



**U.S. Department of the Interior
Bureau of Land Management
Twin Falls District
Burley Field Office
Cassia County, Idaho**

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FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED COTTEREL WIND POWER PROJECT

**AND PROPOSED RESOURCE MANAGEMENT PLAN
AMENDMENT**



**Volume 2:
Appendices**

**FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE
PROPOSED COTTEREL WIND POWER PROJECT AND
PROPOSED RESOURCE MANAGEMENT PLAN AMENDMENT**

Prepared for

U.S. Department of the Interior
Bureau of Land Management
Twin Falls District
Burley Field Office
Cassia County
15 East, 200 South
Burley, Idaho 83318

Serial Number IDI-33676

On behalf of

Windland, Inc
Suite 804A
10480 Garverdale Court
Boise, ID 83704

and

Shell WindEnergy, Inc.
Suite 1042
910 Louisiana
Houston, TX 77002

BUREAU OF LAND MANAGEMENT LIBRARY
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P.O. BOX 25047
DENVER, COLORADO 80225

March 2006

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ACRONYMS

A.D.	After Death
APE	Area of Potential Effects
AUM	Animal unit months
BA	Biological Assessment
B.C.	Before Christ
BFO	Burley Field Office
BLM	Bureau of Land Management
BMP	Best Management Practices
BPA	Bonneville Power Administration
BOR	Bureau of Reclamation
CDC	Conservation Data Center
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CH ₄	Methane
CO	Carbon monoxide
CO ₂	Carbon dioxide
Commission	Shoshone-Bannock Land Use Policy Commission
Council	Tribal Business Council
dB	Decibels
dBA	A-weighted decibels
DOE	Department of Energy
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
°F	Degrees Fahrenheit
FAA	Federal Aviation Administration
FCRTS	Federal Columbia River Transmission System
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FM	Fuel model
FMU	Fire Management Unit
FONSI	Finding of No Significant Impact
FRCC	Fire Regime Condition Class
FS	Forest Service
GIBA	Globally Important Bird Area
HETO	Heritage Tribal Office
I-84	Interstate 84
I-86	Interstate 86
I-90	Interstate 90

ACRONYMS

IDAPA	Idaho Administrative Rules
IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
IDL	Idaho Department of Lands
IDT	Interdisciplinary Team
IDOL	Idaho Department of Labor
IDWR	Idaho Department of Water Resources
IPC	Idaho Power, an IdaCorp Company
IPUC	Idaho Public Utilities Commission
IWETT	Interagency Wind Energy Task Team
ISRH	Idaho Standards for Rangeland Health
ITC	Idaho State Tax Commission
KOP	Key observation point
kV	Kilovolt
kW	Kilowatt
LLC	Limited Liability Corporation
Mg/m ³	Milligrams per cubic meter
mi ²	Square miles
MW	Megawatts
N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NASS	National Agricultural Statistics Service
NEPA	National Environmental Policy Act
NEPDG	National Energy Policy Development Group
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NO ₂	Nitrogen dioxide
NO _x	Oxides of nitrogen
NP	Not Present
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NTP	Notice to Proceed
NWCC	National Wind Coordinating Committee
NWPCC	Northwest Power and Conservation Council
O ₃	Ozone
O&M	Operations and maintenance
OHV	Off-highway vehicle
Pb	Lead
PM ₁₀	Particulate matter with an aerodynamic diameter less than 10 microns
Proposed Project	Proposed Cotterel Wind Power Project

ACRONYMS

PSD	Prevention of Significant Deterioration
RAC	Resource Advisory Council
RFP	Request for Proposal
RMP	Resource Management Plan
ROS	Recreational Opportunities Spectrum
ROW	Rights-of-Way
RQD	Rock Quality Designation
RSA	Rotor-swept area
SCI	South Central Idaho
SCS	Soil Conservation Service
SH	State Highway
SIEDO	Southern Idaho Economic Development Organization
SL&I	Salt Lake & Idaho Railroad Company Grade
SO ₂	Sulfur Dioxide
SO _x	Oxides of sulfur
SQRU	Scenic Quality Rating Units
SRMA	Special Resource Management Areas
SWEI	Shell WindEnergy, Inc.
TES	Threatened, endangered and sensitive
µg/m ³	Micrograms per cubic meter
URS	URS Group, Inc.
U.S.	United States
USDA	United States Department of Agriculture
USDI	United States Department of Interior
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VOC	volatile organic compound
VRM	Visual Resource Management
Windland	Windland, Incorporated

ENGLISH/METRIC AND METRIC/ENGLISH EQUIVALENTS

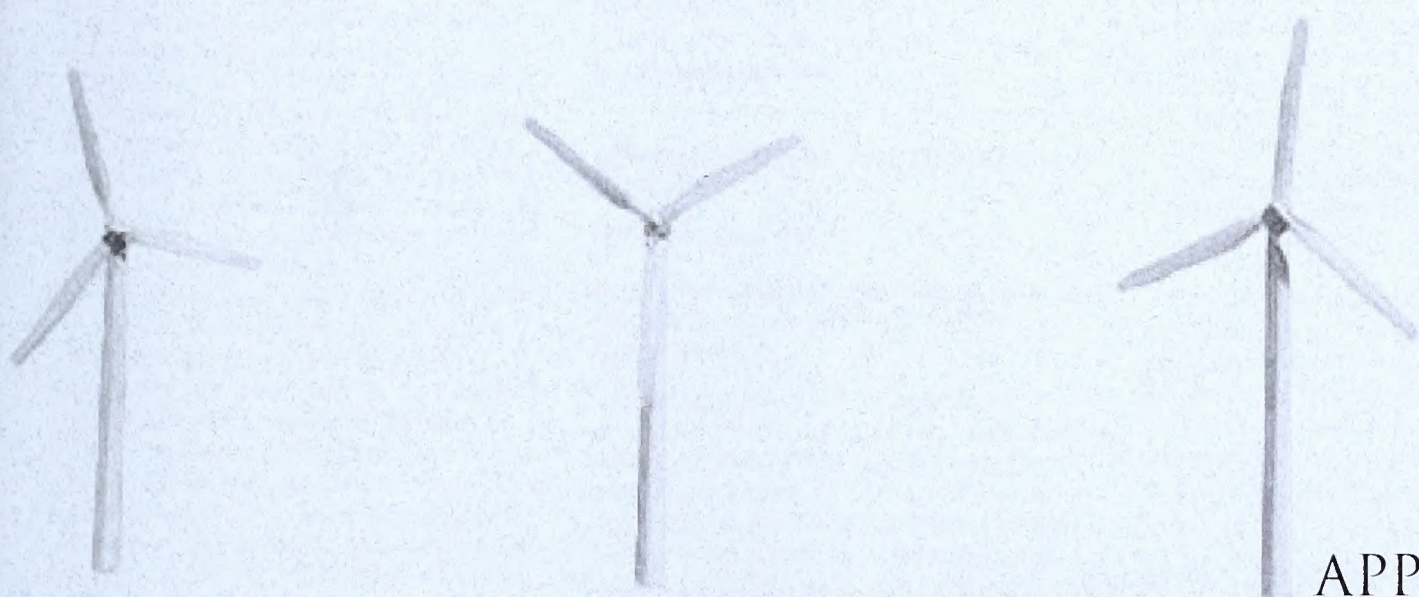
The following table lists the appropriate equivalents for English and metric units.

MULTIPLY	BY	TO OBTAIN
English/Metric Equivalents		
Acres	0.4047	Hectares (ha)
Cubic feet (ft ³)	0.02832	Cubic meters (m ³)
Cubic yards (yd ³)	0.7646	Cubic meters (m ³)
Degrees Fahrenheit (°F) –32	0.5555	Degrees Celsius (°C)
Feet (ft)	0.3048	Meters (m)
Gallons (gal)	3.785	Liters (L)
Gallons (gal)	0.003785	Cubic meters (m ³)
Inches (in.)	2.540	Centimeters (cm)
Miles (mi)	1.609	Kilometers (km)
Pounds (lb)	0.4536	Kilograms (kg)
Short tons (tons)	907.2	Metric tons (t)
Square feet (ft ²)	0.09290	Square meters (m ²)
Square yards (yd ²)	0.8361	Square meters (m ²)
Square miles (mi ²)	2.590	Square kilometers (km ²)
Yards (yd)	0.9144	Meters (m)
Metric/English Equivalents		
Centimeters (cm)	0.3937	Inches (in.)
Cubic meters (m ³)	35.31	Cubic feet (ft ³)
Cubic meters (m ³)	1.308	Cubic yards (yd ³)
Cubic meters (m ³)	264.2	Gallons (gal)
Degrees Celsius (°C)	1.8	Degrees Fahrenheit (°F) –32
Hectares (ha)	2.471	Acres
Kilograms (kg)	2.205	Pounds (lb)
Kilograms (kg)	0.001102	Short tons (tons)
Kilometers (km)	0.6214	Miles (mi)
Liters (L)	0.2642	Gallons (gal)
Meters (m)	3.281	Feet (ft)
Meters (m)	1.094	Yards (yd)
Metric tons (t)	1.102	Short tons (tons)
Square kilometers (km ²)	0.3861	Square miles (mi ²)
Square meters (m ²)	10.76	Square feet (ft ²)
Square meters (m ²)	1.196	Square yards (yd ²)

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APPENDICES



APPENDIX A

NOA AND NOI PUBLISHED IN FEDERAL REGISTER

Hall County, NE, Wait Period Ends: 07/25/2005, Contact: Randal P. Sellers 402-221-3054.

EIS No. 20050247, Draft EIS, SFW, AZ, Cabeza Prieta National Wildlife Refuge, Comprehensive Conservation Plan, Wilderness Stewardship Plan, Implementation, Ajo, AZ, Comment Period Ends: 08/15/2005, Contact: John Slown 505-248-7458.

EIS No. 20050248, Draft EIS, COE, TX, Upper Trinity River Basin Project, To Provide Flood Damage Reduction, Ecosystem Improvement, Recreation and Urban Revitalization, Trinity River, Central City, Forth Worth, Tarrant County, TX, Comment Period Ends: 08/08/2005, Contact: Dr. Rebecca Griffith 817-886-1820.

EIS No. 20050249, Draft EIS, BLM, ID, Cotterel Wind Power Project and Draft Resource Management Plan Amendment, To Build a 190-240 megawatt, Wind-Powered Electrical Generation Facility, Right-of-Way Application, City of Burley, Towns of Albion and Malta, Cassia County, ID, Comment Period Ends: 09/22/2005, Contact: Scott Barker 208-677-6699.

EIS No. 20050250, Draft EIS, AFS, OR, Ashland Forest Resiliency Project, To Recover from Large-Scale High-Severity Wild Land Fire, Upper Bear Analysis Area, Ashland Ranger District, Rogue River-Siskiyou National Forest, Jackson County, OR, Comment Period Ends: 08/08/2005, Contact: Linda Duffy 541-552-2900.

EIS No. 20050251, Draft EIS, AFS, CA, Watdog Project, Proposes to Reduce Fire Hazards, Harvest Trees, Using Group Selection Methods, Feather River Ranger District, Plumas National Forest, Butte and Plumas Counties, CA, Comment Period Ends: 08/08/2005, Contact: Katherine Worn 530-534-6500.

EIS No. 20050252, Final EIS, NPS, CO, Colorado National Monument General Management Plan, Implementation, Mesa County, CO, Wait Period Ends: 07/25/2005, Contact: Bruce Noble 970-858-3617, Ext. 300.

EIS No. 20050253, Draft Supplement, COE, MD, Poplar Island Restoration Project (PIERP) To Evaluate the Vertical and/or Lateral Expansion, Dredging Construction and Placement of Dredged Materials, Chesapeake Bay, Talbot County, MD, Comment Period Ends: 08/08/2005, Contact: Mark Mendelsohn 410-962-9499.

EIS No. 20050254, Final Supplement, NOA, 00, Amendment to the Fishery Management Plans (FMPs), Amendment 2 for the Spiny Lobster Fishery; Amendment 1 for the Queen Conch Resources; Amendment 3 for the Reef Fish Fishery; Amendment 2

Corals and Reef Associated Invertebrates, U. S. Caribbean to Address Required Provisions MSFCMA, Puerto Rico and the U.S. Virgin Island, Wait Period Ends: 07/25/2005, Contact: Dr. Roy Crabtree 727-824-5301.

EIS No. 20050255, Final EIS, BLM, 00, Programmatic—Wind Energy Development Program, To Address Stewardship, Conservation and Resource Use on BLM-Administered Lands, Right-of-Way Grants, Western United States, Wait Period Ends: 07/25/2005, Contact: Ray Brady 202-452-7773.

Dated: June 21, 2005.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05-12529 Filed 6-23-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6664-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 1, 2005 (70 FR 16815).

Draft EISs

EIS No. 20050157, ERP No. D-AFS-J65441-MT, Middle East Fork Hazardous Fuel Reduction Project, Implementation of Three Alternatives, Bitterroot National Forest, Sula Ranger District, Ravalli County, MT.

Summary

EPA supports the proposed action, but expressed environmental concerns about increased sediment loads and consistency with the restoration strategy in the draft Bitterroot Headwaters TMDL. EPA recommended additional watershed restoration measures such as road decommissioning and other mitigation to reduce these impacts.

Rating EC2

EIS No. 20050162, ERP No. D-CGD-G03027-00, Pearl Crossing Liquefied Natural Gas (LNG) Deepwater Port Terminal and Pipeline Project,

Proposes to Construct a Liquefied Natural Gas (LNG) Receiving, Storage, and Regasification Facility, Gulf of Mexico, Cameron and Calcasieu Parishes, LA and San Patricio County, TX.

Summary

EPA expressed objections to the open rack re-gasification system due to adverse environmental impacts to Gulf waters and habitat. EPA believes that these impacts can be corrected by the project modifications or other feasible technology, and requested additional information to evaluate and resolve the outstanding issues.

Rating EO2

EIS No. 20050166, ERP No. D-AFS-K65281-CA, Brown Project, Proposal to Improve Forest Health by Reducing Overcrowded Forest Stand Conditions, Trinity River Management Unit, Shasta-Trinity National Forest, Weaverville Ranger District, Trinity County, CA.

Summary

EPA expressed environmental concerns about the proposed alternative and impacts to water quality, old-growth and late-successional forest, and soil erosion, and requested additional information on consultation for effects to fisheries and impacts to air quality.

Rating EC2

EIS No. 20050196, ERP No. D-NPS-J61106-UT, Burr Trail Modification Project, Proposed Road Modification within Capitol Reef National Park, Garfield County, UT.

Summary

EPA has no objections to the preferred alternative.

Rating LO.

EIS No. 20050179, ERP No. DS-AFS-J65419-MT, Gallatin National Forest, Updated Information, Main Boulder Fuels Reduction Project, Implementation, Gallatin National Forest, Big Timber Ranger District, Big Timber, Sweetgrass and Park Counties, MT.

Summary

The Supplemental DEIS has addressed impacts to the northern goshawk, the issue of fire risk, and increased public and firefighter safety. EPA continues to have environmental concerns about potential effects on water quality, fisheries and riparian functions and habitats and recommends the Final EIS include mitigation measures to address these impacts.

Rating EC2.

Final EISs

EIS No. 20050145, ERP No. F-FHW-H40178-MO, I-64/US 40 Corridor, Reconstruction of the Existing 1-64/US 40 Facility with New Interchange Configurations and Roadway, Funding, City of St. Louis, St. Louis County, MO.

Summary

EPA's previous issues were resolved; therefore, EPA has no objection to the proposed action.

EIS No. 20050169, ERP No. F-BLM-J65413-MT, Dillon Resource Management Plan, Provide Direction for Managing Public Lands within the Dillon Field Office, Implementation, Beaverheard and Madison Counties, MT.

Summary

The Final EIS addressed most of EPA's concerns while balancing multiple use objectives with protection, restoration, and enhancement of resources. However, we continue to recommend additional management direction to protect water quality, fisheries and riparian habitat and restore watershed functions.

EIS No. 20050170, ERP No. F-DOE-K06007-CA, Site-wide Continued Operation of Lawrence Livermore National Laboratory (LLNL) and Stockpile Stewardship and Management, Implementation, Alameda and San Joaquin Counties, CA.

Summary

EPA previous issues have been adequately addressed; therefore, EPA has no objection to the action as proposed.

EIS No. 20050178, ERP No. F-FHW-G40173-LA, I-49 South Lafayette Regional Airport to LA-88 Route US-90 Project, Upgrading Existing US-90 from the Lafayette Regional Airport to LA-88, Funding, Iberia, Lafayette and St. Martin Parishes, LA.

Summary

No formal comment letter was sent to the preparing agency.

EIS No. 20050218, ERP No. F-NPS-L61227-OR, Crater Lake National Park General Management Plan, Implementation, Klamath, Jackson and Douglas Counties, OR.

Summary

No formal letter was sent to the preparing agency.

Dated: June 21, 2005.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05-12555 Filed 6-23-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7928-9]

State Allotment Percentages for the Drinking Water State Revolving Fund Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The 1996 Safe Drinking Water Act (SDWA) Amendments established a Drinking Water State Revolving Fund (DWSRF) program and authorized \$9.6 billion to be appropriated for the program through fiscal year 2003. Congress directed that allotments for fiscal year 1998 and subsequent years would be distributed among States based on the results of the most recent Drinking Water Infrastructure Needs Survey and Assessment. In this notice, the Environmental Protection Agency (EPA) is announcing revised DWSRF program State allotment percentages in accordance with the results from the most recent 2003 Drinking Water Infrastructure Needs Survey and Assessment (Needs Assessment), which was released on June 14, 2005. The revised State allotment percentages affect DWSRF program appropriations for fiscal years 2006 through 2009. Beginning in fiscal year 1998, EPA established a formula that allocates funds to the States based directly on each State's proportional share of the total need for States, provided that each State receives a minimum share of one percent of the funds available to the States, as required by the SDWA. EPA has made the determination that it will continue to use this method for allocating DWSRF program funds. The findings from the 2003 Needs Assessment will change the percentage of the DWSRF program funding received by some States in prior years. This change reflects an increase or decrease in these States' share of the total needs for States and will allow appropriations disbursements to more accurately reflect the needs of the States to reach the public health objectives of the SDWA. The Agency believes that the 2003 Needs Survey and Assessment more accurately captures needs for necessary long-term rehabilitation and replacement of deteriorating

infrastructure that were under-reported in the earlier surveys.

DATES: This notice is effective June 24, 2005.

FOR FURTHER INFORMATION CONTACT: For technical inquiries, contact Jeff McPherson, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-6878; fax number: (202) 564-3757; e-mail address: mcperson.jeffrey@epa.gov. Copies of this document and information on the Drinking Water Infrastructure Needs Survey and Assessment and the DWSRF program can be found on EPA's Office of Ground Water and Drinking Water Web site at <http://www.epa.gov/safewater/>.

SUPPLEMENTARY INFORMATION: The 1996 Safe Drinking Water Act (SDWA) Amendments established a Drinking Water State Revolving Fund (DWSRF) program and authorized \$9.6 billion to be appropriated for the program through fiscal year 2003. Through federal fiscal year 2005, Congress has appropriated \$7.8 billion for the DWSRF program. Congress directed that allotments for fiscal year 1998 and subsequent years be distributed among States based on the results of the most recent Drinking Water Infrastructure Needs Survey and Assessment (SDWA section 1452(a)(1)(D)(ii)), which must be conducted every four years. The first survey, which reflected 1995 data, was released in February 1997 and the second survey, which reflected 1999 data, was released in February 2001. The 2003 Drinking Water Infrastructure Needs Survey and Assessment, which was conducted over the last two years, was released on June 14, 2005 (EPA 816-R-05-001). The survey and assessment was completed in cooperation with the States. The States participated in both the design and development of the survey. The survey examined the needs of water systems and used these data to extrapolate needs to each State. The survey included all of the nation's 1,342 largest systems (those serving over 40,000 people) and a statistical sample of 2,553 systems serving 3,301-40,000 people. For the 1999 Needs Assessment, EPA conducted site visits to approximately 600 small community water systems and 100 not-for-profit noncommunity water systems. The EPA believes that the needs captured from the site visits in 1999 represented a fair and complete assessment of these systems' 20-year needs. Findings from 1999 were very similar to the findings in 1995,

COMMENT DUE DATE: Your comments are best assured of having their full effect if received on or before February 18, 2003.

Dated: December 12, 2002.

Charles W. Grim,
Assistant Surgeon General, Interim Director.
[FR Doc. 02-31912 Filed 12-18-02; 8:45 am]
BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4739-N-49]

Notice of Proposed Information Collection: Comment Request; Applications for Housing Assistance Payments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* February 18, 2003.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708-3000 (this is not a tollfree number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Applications for Housing Assistance Payments.

OMB Control Number, if applicable: 2502-0182.

Description of the need for the information and proposed use: Vouchers are submitted by owners/agents to HUD or their Contract Administrators (CA)/Performance Based Contract Administrators (PBCA) each month to receive assistance payments for the difference between the gross rent and the total tenant payment for all assisted tenants. In the instance of special claims, vouchers are submitted by owners/agents to HUD or their CA/PBCA to receive an amount of offset unpaid rents, tenant damages, vacancies, and/or debt service losses.

Agency form numbers, if applicable: HUD-52670; HUD-52670A, Part 1; HUD-52670A, Part 2; HUD-52671A/B/C/D.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 178,585; the number of respondents is 43,064 generating approximately 394,821 annual responses; the frequency of response is on occasion and monthly; and the estimated time needed to prepare the response varies from 20 to 30 minutes.

Status of the proposed information collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: November 22, 2002

John C. Weicher,
Assistant Secretary for Housing—Federal Housing Commissioner.
[FR Doc. 02-31908 Filed 12-18-02; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-077-03-1430-ER-D025; IDI-33676]

Notice of Intent To Prepare an Environmental Impact Statement/Land Use Plan Amendment

AGENCY: Burley Field Office, Upper Snake River District, Bureau of Land Management (BLM), Cassia County, Idaho.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) and to Amend the Cassia Resource Management Plan (RMP).

SUMMARY: Notice is hereby given that the BLM is proposing to prepare a land use plan amendment and environmental impact statement (EIS) to consider the proposed Cotterel Mountain Wind Energy Project (Project), located southeast of the town of Albion in Cassia County, Idaho. Windland, Inc. (Windland) of Boise, Idaho proposes to construct and operate the 200-megawatt (MW) wind-driven power generation facility. The EIS will analyze the potential environmental impacts of the construction and operation of the wind project itself, as well as related transmission facilities and roads. This planning activity would amend the Cassia RMP and deals with the 40,967 acres of public land in the Cotterel Mountain Management Area of the RMP and more specifically with approximately 4,600 acres running north and south along the ridge line of the mountain that would be directly affected by the proposed project. The planning process will comply with the Federal Land Policy and Management Act of 1976 (FLPMA) and the National Environmental Policy Act of 1969 (NEPA). The BLM will work closely with interested parties to identify the management decisions that are best suited to the needs of the public. This collaborative process will take into account local, regional, and national needs and concerns. This notice initiates the public scoping process to identify specific issues and develop planning criteria. The scoping process will include an evaluation of the needs and interests of the public.

DATES: The scoping comment period will commence with the publication of this notice. Formal scoping will end 60 days after publication of this notice. Comments regarding issues and planning criteria should be received on or before the end of the scoping period at the address listed below. Public meetings or open houses will be held. In order to ensure local community

participation and input; public meetings will most likely be held in Albion, Burley and Boise, Idaho. Specific dates and locations for public participation will be published in local newspapers and broadcast on local community calendars. Meetings and open houses will provide opportunity for the public to work collaboratively with the BLM to identify issues to be addressed in the planning process.

ADDRESSES: Comments regarding the proposed development of a wind-driven power generation facility should be sent to: Project Manager, Cotterel Mountain Wind Project, Bureau of Land Management, Burley Field Office, 15 East 200 South, Burley, Idaho 83318. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

SUPPLEMENTARY INFORMATION: Windland, Inc., a Boise based company, is proposing to install approximately 130 wind turbines, each having a generating capacity between 1.3 and 1.8 megawatts, on a site covering approximately 7 square miles on the Cotterel Mountains southeast of Burley, Idaho. The proposed project area is within the Burley Field Office, Upper Snake River District of the BLM. The 130 turbines situated on towers approximately 250 feet in height would produce a maximum of 200 megawatts of power, enough to provide electricity for 40,000 homes. Power from the project would be collected by an underground cable system and then fed into one of two proposed substations to be located on the project site. The fenced substation sites would occupy approximately two to four acres each. From the substation sites, power from the project would then be transported to one of two existing 138-kilovolt (kV) power transmission lines that are in the vicinity of the proposed project area, via new overhead transmission facilities. Other facilities

required as part of the proposed project are small pad mounted transformers located at the base of each wind turbine tower, access roads and one operation and maintenance building. The area permanently occupied by the project after final reclamation of disturbed areas would total approximately 68 acres. The project is scheduled to begin construction as early as June 2004, followed by commercial operation as early as November 2005 and would operate year-round for at least 30 years.

The purpose and need for the proposed project are to (1) provide wind-generated electricity from a site in Idaho to meet existing and future demands for electricity; and (2) to develop energy generation facilities that are consistent with the President's National Energy Policy which encourages the development of renewable energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the nation's future.

Public Participation: Potential issues that have been identified to date include, but are not limited to the following general categories: Wildlife (including birds); vegetation (including weeds and invasive plant species); threatened, endangered and sensitive species; public access; visual concerns; cultural resources; Tribal concerns; rangeland resources; geology and soils; hydrology; recreation resources; hazardous materials; air quality; noise; and socio-economics. The BLM has established a 60-day scoping period during which, affected tribes, landowners, concerned citizens, special interest groups, local governments, and any other interested parties are invited to comment on the scope of the EIS. Scoping will help the BLM identify the full range of issues that should be addressed in the EIS. The Draft EIS/ Draft plan amendment, which is scheduled for completion in the fall of 2003, will be circulated for public review and comment. The BLM will consider and respond in the Final EIS/ proposed planned amendment to comments received on the draft. The Final EIS and proposed plan amendment are expected to be published early in 2004.

FOR FURTHER INFORMATION CONTACT: Scott Barker, Project Manager, Burley Field Office, 15 East 200 South, Burley, Idaho 83318, telephone (208) 677-6678.

Dated: October 28, 2002.

Theresa Hanley,
Burley Field Office Manager.

[FR Doc. 02-32060 Filed 12-18-02; 8:45 am]
BILLING CODE 4310-GG-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Agency Information Collection Activities Under OMB Review

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of data collection submission.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Bureau of Reclamation (we, our, or us) has forwarded a request for renewal (with revisions) of an existing approved information collection to the Office of Management and Budget (OMB): Crop Acreage and Yields and Water Distribution (Water User Crop Census Report [Form 7-332], and Crop and Water Data [Form 7-2045]), OMB Control Number: 1006-0001. We request your comments on the revised Crop Acreage and Yields and Water Distribution Forms and specific aspects of the information collection.

DATES: Your written comments must be received on or before January 21, 2003.

ADDRESSES: Send comments regarding the information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior, 725 17th Street, NW., Washington, DC 20503. A copy of your comments should also be sent to Ms. Diana Trujillo, Bureau of Reclamation, Water Resources Office, D-5300, PO Box 25007, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: For further information or for a copy of the forms contact Diana Trujillo, Bureau of Reclamation, (303) 445-2914.

SUPPLEMENTARY INFORMATION: This is notice that a request for review, comment, and approval of a revised currently approved collection has been forwarded to OMB. A Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on July 17, 2002 (67 FR 46998). No public comments were received by Reclamation.

We have revised the currently approved collection to reflect industry standards concerning units used to measure yields for certain crops (*i.e.*, using pounds instead of bales for cotton lint and using pounds instead of tons for hops). Other changes include:

- In Section II-e on both forms, "Acres irrigated by", we are adding the option to choose "Flood" along with the



APPENDIX B

INSTRUCTION MEMORANDUM 2003-20
FROM THE INTERIM WIND
ENERGY DEVELOPMENT POLICY

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 16, 2002

In Reply Refer To:
2800 (WO 350) P
Ref. IB No. 2001-138,
IM No. 2002-011, IM No. 2002-189
and IM No. 2002-196

EMS TRANSMISSION 10/17/2002
Instruction Memorandum No. 2003-020
Expires: 09/30/2004

To: All Field Officials

From: Director

Subject: Interim Wind Energy Development Policy

Program Area: Right-of-Way Management, Wind Energy

Issue: This Instruction Memorandum (IM) provides interim guidance on processing right-of-way applications for wind energy site testing and monitoring facilities, as well as applications for wind energy development projects on public lands administered by the Bureau of Land Management (BLM).

Background: The President's National Energy Policy encourages the development of renewable energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for our future. The BLM prepared a National Energy Policy Implementation Plan that included a variety of tasks related to the development of energy resources on the public lands, including renewable energy resources. The Implementation Plan and specific tasks were previously distributed by Information Bulletin No. 2001-138, dated August 15, 2001, and IM No. 2002-011, dated October 12, 2001. While the current contribution of renewable energy resources to our energy supply is relatively small, wind energy and other renewable energy generating sectors of our economy are the fastest growing in the United States. Continued growth in wind energy development will be extremely important in delivering larger supplies of clean, domestic power for America's growing economy.

The United States has significant potential for wind energy development, especially on Federal lands in the west. The recent extension of the Federal wind energy production tax credit and a variety of State-level tax credits and other incentives, including renewable energy portfolio standards in several States, has generated a renewed interest in commercial wind energy projects

on Federal lands. The BLM currently administers some 25 wind energy right-of-way authorizations on public lands in California and Wyoming that encompass a total of approximately 5,000 acres and generate a total of about 500 megawatts of electrical power. The interest in wind energy development has recently increased and new project proposals on public land have been identified in several States. These existing project proposals and future proposals will create a significant workload that will demand a commitment of resources and a priority to the timely and consistent processing of right-of-way applications for the use of public lands for wind energy site testing and monitoring activities and for commercial wind energy development.

Policy/Action:

Inventory and Planning: It is BLM's general policy to encourage the development of wind energy in acceptable areas. Wind energy site testing and monitoring activities are usually in conformance with and can be accommodated by existing land use plans without a need for a land use plan amendment. These existing land use plans identify wilderness and wilderness study areas, Areas of Critical Environmental Concern (ACEC), visual resource management areas, national scenic or historic trails, National Landscape Conservation System units, critical habitat areas, and other special management areas where land use restrictions apply to a variety of uses, including wind energy site testing and monitoring. However, commercial wind energy development activities in some cases may not be in conformance with existing land use plans and it may be appropriate to amend the land use plan as a concurrent action with the same analysis for the wind energy development proposal. In both cases, however, right-of-way applications for wind energy site testing and monitoring or wind energy development projects will be processed in a timely manner.

Wind energy development provides many environmental advantages over other types of energy resource development, however, wind energy development also results in some adverse impacts, including visual resource impacts and wildlife and wildlife habitat disturbance. Wind energy projects also require some infrastructure such as access roads, transmission lines, and other support facilities. Although land use plans combined with appropriate levels of environmental analysis will be used to assess individual wind energy project proposals, the BLM's overall wind energy policy is to minimize negative impacts to the natural, cultural, and visual resources on the public lands. Negative impacts can be minimized by avoiding special management areas with land use restrictions, avoiding major avian (bird) migration routes and areas of critical habitat for species of concern, establishing siting criteria to minimize soil disturbance and erosion on steep slopes, utilizing visual resource management guidelines to assist in proper siting of facilities, avoiding significant historic and cultural resource sites, and mitigating conflicts with other uses of the public lands.

In areas where land use plans are being revised there may be benefits to specifically address wind resource potential, public concerns, and opportunities for wind energy development within the land use planning area. Supplemental planning guidance regarding wind energy and rights-of-way is provided by IM No. 2002-196, dated June 25, 2002. Field Offices are encouraged to

incorporate wind energy resource development potential in these planning efforts to facilitate the processing of future wind energy applications. The land use plan revision process would address the environmental and local community issues associated with commercial wind energy.

This would provide an opportunity to potentially reduce the amount of additional environmental review and documentation required to process a specific application in the future. A programmatic amendment to one or more land use plans could also potentially be used to address wind energy resources on a larger scale.

The BLM and the Department of Energy's National Renewable Energy Laboratory (NREL) have established a partnership to conduct an assessment of wind energy and other renewable energy resources on public lands in the western U.S. The objective of this collaborative effort is to assist in the inventory of high-potential wind energy resources to support BLM land use planning efforts. This GIS-based assessment and analysis information is available through the BLM National Science and Technology Center (NSTC) or available from the Department of Energy internet site (www.eren.doe.gov/windpoweringamerica/where_is_wind.html). Information on renewable energy resources, including wind energy, is also available at www.energyatlas.org. Field Offices are encouraged to use this information as the inventory base for addressing wind energy resource development opportunities and to assess the affects of other resource uses on wind energy resources. The National Wind Coordinating Committee also has information available on an internet site (www.nationalwind.org/pubs/permit/permitting2002) that can assist in the permitting and environmental review process associated with wind energy right-of-way applications on the public lands.

The U.S. Fish and Wildlife Service is currently developing guidelines to assist the wind industry in avoiding or minimizing impacts on wildlife by wind energy development. These guidelines contain a procedure for pre-development evaluation of potential wind resource areas based on their impact on wildlife, and recommendations for siting, designing, constructing, and operating wind turbines within areas with wind energy resource potential. A draft of the guidelines will be available in the fall of 2002. The pre-development evaluation procedure was developed by a team of Federal, state, university and industry biologists to rank potential wind development sites in Montana, and is already in use in that area. That process is being modified for use nationwide by the Fish and Wildlife Service. BLM Field Offices will be provided a copy of the guidelines and are encouraged to use this tool when it becomes available for evaluating areas for potential wind energy development.

Applications: All wind energy and wind energy related facilities will be applied for under Title V of the Federal Land Policy and Management Act (FLPMA) and Title 43, Section 2802 of the Code of Federal Regulations (CFR). Wind energy site testing and monitoring will not be authorized by a land use permit under the 43 CFR 2920 regulations. Existing 2920 permits that may have previously been issued will, however, be recognized for the term of the existing permit.

Applications for a right-of-way grant may be submitted for one of the following three (3) types of wind energy projects:

1) a site-specific wind energy site testing and monitoring right-of-way grant for individual meteorological towers and instrumentation facilities with a term that is limited to 3 years;

2) a wind energy site testing and monitoring right-of-way grant for a larger site testing and monitoring project area, with a term of 3 years that may be renewed consistent with 43 CFR 2803.6-5 and the provisions of this IM beyond the initial 3-year term; and

3) a long-term commercial wind energy development right-of-way grant with a term that is not limited by the regulations, but usually in the range of 30 to 35 years.

Applications for any of the above projects will be submitted using Form SF-299, Application for Transportation and Utility Systems and Facilities on Federal Land, consistent with the requirements of 43 CFR 2802.3. The BLM authorized officer should encourage wind energy applicants to schedule preapplication meetings (43 CFR 2802.1) with BLM to assist in the preparation and processing of applications, identify potential issues and conflict areas, identify any environmental or cultural resource studies that may be needed, assess public interest and concerns, identify other authorized uses, identify other general recreation and public uses in the area, discuss potential alternative site locations, and discuss potential financial obligations that the applicant must be willing to assume. Early public notification and involvement of local communities and other interests is also important in increasing public acceptance and avoiding potential conflicts, especially in areas where other uses exist on the public lands.

All wind energy right-of-way applications and authorizations are subject to appropriate cost recovery and rental fees as required by 43 CFR 2808.1 and 43 CFR 2803.1-2. The policy guidance on rental fees contained in this IM is based on comparable payment practices for existing wind energy right-of-way authorizations on Federal and non-Federal lands and was developed in consultation with BLM staff and others with appraisal expertise.

Right-of-way applications for wind energy site testing and monitoring or for wind energy development projects will be identified as a high priority Field Office workload and will be processed in a timely manner. This priority is consistent with the President's National Energy Policy and adequate resources should be provided to review and process the application. The processing time frames for right-of-way applications as required by BLM Manual 2801.35 will be followed for all wind energy applications. Site testing and monitoring right-of-way applications will usually be minor cost recovery category actions and should be processed within a 30-day time frame, consistent with the requirements of the Manual. The Manual requires that the authorized officer notify the right-of-way applicant in writing if processing will take longer, the reasons for the delay, and an estimate of the time frame for processing the application. The BLM Washington Office (WO-350) will also assign a right-of-way Project Manager, if requested by the State Director, to coordinate the processing of any major wind energy development right-of-way application.

Authorizations:

1) Right-of-Way Grants for Site Specific Wind Energy Testing and Monitoring Facilities: A site-specific right-of-way grant (Form 2800-14) will be used to authorize small individual site-specific meteorological towers and instrumentation facilities. The term of a site-specific right-of-way grant will be limited to 3 years and will not be extended or renewed. Numerous site-specific right-of-way grants for wind energy site testing and monitoring may be issued to various right-of-way holders in the same area and do not establish any exclusive or preferential rights regarding future wind energy development. In addition, the BLM retains the right to authorize other compatible uses of the public lands in the area (43 CFR 2801.1-1(a)(2)).

Rental: The annual rental fee for a site-specific right-of-way grant for wind energy site testing and monitoring will be a minimum of \$50 per year for each meteorological tower or instrumentation facility location and include no additional rental fee for the acreage of each site location. The area authorized for these facilities shall be the minimum necessary for construction and maintenance of the temporary facility. Some BLM Field Offices have existing site-location rental fees for temporary facilities on the public lands that can be used for wind energy site testing and monitoring facilities. In some cases these fees will exceed the minimum \$50 per year fee. The rental fee for a site testing and monitoring right-of-way grant is paid annually, in advance, on a calendar year basis consistent with the regulations (43 CFR 2803.1-2(a)).

2) Right-of-Way Grants for Wind Energy Site Testing and Monitoring Facilities that Encompass a Site Testing and Monitoring Project Area: A right-of-way grant (Form 2800-14) that includes provisions for renewal beyond the 3-year term (43 CFR 2803.6-5) will be used to authorize wind energy site testing and monitoring facilities that encompass a site testing and monitoring project area. The holder of the site testing and monitoring right-of-way grant retains an interest in the site testing and monitoring project area, but will be required to submit an amended right-of-way application (43 CFR 2803.6-1) and Plan of Development (POD) to BLM for review, analysis, and separate approval for any future wind energy development. The interest retained by the holder of the grant is only an interest to preclude other wind energy right-of-way applications during the 3-year term of the grant. The lands within the grant area will not be available for other wind energy right-of-way applications. The holder of the site testing and monitoring right-of-way grant has established no right to development and is required to submit a separate application to BLM for analysis, review, and decision. The BLM retains the right to authorize other compatible uses of the public lands. The lands involved in the site testing and monitoring right-of-way grant will be defined by aliquot land descriptions and be configured to involve a reasonable amount of land that may support a possible right-of-way application for a wind energy development project in the future.

The site testing and monitoring right-of-way grant for the site testing and monitoring project area will be issued for an initial term of 3 years. This term will be extended or renewed (43 CFR 2803.6-5) only if an amended right-of-way application and POD is submitted for a wind energy development project prior to the end of the 3-year term of the initial grant. The requirement for

submission of a POD with the amended right-of-way application is consistent with the provisions of 43 CFR 2802.4(h). The holder of the site testing and monitoring right-of-way grant is required to submit, prior to the end of the 3-year term of the grant, an amended right-of-way application for development to retain the interest in the site testing and monitoring project area. (See the Due Diligence section of this IM regarding additional provisions for a site testing and monitoring right-of-way grant.)

Rental: The annual rental fee for a site testing and monitoring right-of-way grant for a site testing and monitoring project area will be based on the total public land acreage of the project area included in the right-of-way grant. The rental fee for the total public land acreage of the grant will be \$1,000 per year or \$1 per acre per year, whichever is the greater. There is no additional fee for the installation of each meteorological tower or instrumentation facility located within the site testing and monitoring project area. This rental fee is based on the value for the use of the area for site testing and monitoring and the value of the option held by the holder that precludes other wind energy right-of-way applications during the 3-year term of the grant, comparable to similar option payments on private lands. The rental fee for a site testing and monitoring right-of-way grant is paid annually, in advance, on a calendar year basis consistent with the regulations (43 CFR 2803.1-2(a)).

Each type of site testing and monitoring authorization will contain appropriate stipulations, including but not limited to road construction and maintenance, vegetation removal, and number and location of wind monitoring sites. Biological and cultural resource surveys and studies may also be required during the term of the site testing and monitoring authorization to collect information for future resource assessments. A bond is discretionary by the authorized officer (43 CFR 2803.1-4), but will usually not be required for a site testing and monitoring authorization. If a bond is required, the amount of the reclamation bond will consider potential reclamation and administrative costs to BLM.

The wind inventory data collected and held by the right-of-way grant holder is proprietary information and will be protected by the Privacy Act and may be withheld under the Freedom of Information Act to the extent allowed by Federal law. However, sufficient detailed wind data will be required to be provided to the BLM, at the time an amended right-of-way application for development is submitted, to support the environmental analysis and review of the proposed development. This data becomes public information for analysis and decision making purposes related to the processing of the amended right-of-way application for a wind energy development project. Biological and cultural resource studies and data collected by the right-of-way grant holder will also be required to be provided to the BLM and becomes public information to the extent allowed by Federal law.

Site testing and monitoring authorizations may be assigned consistent with the provisions of the regulations (43 CFR 2803.6-3). However, all assignments shall be approved by the BLM authorized officer and the qualifications of all assignees must comply with the Due Diligence

section of this IM and the requirements of the regulations (43 CFR 2802.3(a)(4) and 43 CFR 2802.4(a)(5)). A partial assignment of a site testing and monitoring authorization shall not hinder the BLM management of the authorization or the associated public lands.

3) Right-of-Way Grants for Commercial Wind Energy Development Facilities: A right-of-way grant (Form 2800-14) will be used to authorize all facilities, held by the holder of the grant, on the public lands related to a commercial wind energy development project. This authorization will include the wind turbine facilities, as well as the access roads, electrical and transmission facilities, and other support facilities. The lands involved in the right-of-way grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of land involved, while still allowing an adequate distance between turbine positions and reasonable right-of-way boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the right-of-way boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance. In cases where the applicant holds a long-term lease right on adjacent Federal or non-Federal lands for wind energy development or the adjacent non-Federal landowner provides a setback waiver, this setback requirement may be reduced to 1.5 times the total height of the wind turbine. Further, no turbine shall be positioned closer than 1.5 times the total height of the wind turbine to the right-of-way boundary in any other direction.

The wind energy development right-of-way authorization will contain appropriate stipulations, including but not limited to road construction and maintenance, vegetation removal, a POD for wind turbine installation and operations, wildlife and avian resources mitigation and monitoring, and site reclamation.

The right-of-way holder should also be encouraged, through terms and conditions of the right-of-way authorization, to work with BLM to increase the public acceptance and awareness of the benefits of wind energy development by providing information and public points of access near the development where safe and appropriate. These measures could include footpaths among the turbines, onsite interpretive resources, and photo locations. The BLM and right-of-way holder can provide a positive message on the responsible use of renewable resources and the multiple resource uses of the public lands.

A bond is discretionary by the authorized officer (43 CFR 2803.1-4), but will usually be required for wind energy development right-of-way grants to ensure compliance with the terms and conditions of the authorization and the requirements of the regulations, including reclamation. The reclamation provisions within the POD should include not only removal of turbines and other structures, but also the rehabilitation of access roads and the revegetation of disturbed areas. The amount of the reclamation bond will consider potential reclamation and administrative costs to BLM. Bonds in the amount of \$2,500 per wind turbine have recently been required for most wind energy development projects on public lands.

The term of the grant is not limited by the regulations, however, the terms of most existing grants for major wind energy development projects recognize the overall costs and useful life of wind energy facilities (43 CFR 2801.1-1 (h)) and are generally in the range of 30 to 35 years. The grant may be renewed consistent with the provisions of the regulations (43 CFR 2803.6-5). The BLM also retains the right to authorize other compatible uses of the public lands within the right-of-way grant during the term of the grant.

Rental: Rent for commercial wind energy development right-of-way grants will consist of two components: 1) an annual minimum rent and 2) an annual production rent once the project is in commercial production. The rent for any calendar year shall not be less than the minimum rent.

Minimum Rent: The annual minimum rent for a commercial wind energy development right-of-way grant on public land will be \$2,365 per megawatt and is based on the total anticipated installed capacity of the wind energy project on public land based on the approved Plan of Development (POD), a capacity factor of 30 percent, a royalty of 3 percent, and an average purchase price of \$0.03 per kilowatt hour. These factors only apply to the calculation of the minimum rent and do not establish any basis for the calculation of actual production rental fees during commercial wind energy operations. The minimum rent is a fixed Bureauwide rent based on the following formula:

$$\text{Annual minimum rent} = (\text{Anticipated total installed capacity in kilowatts as identified in the approved POD}) \times (8760 \text{ hours per year}) \times (30 \text{ percent capacity factor}) \times (3 \text{ percent royalty}) \times (\$0.03 \text{ average price per kilowatt hour})$$

Example for one megawatt (1,000 kW) of anticipated total installed capacity:

$$\text{Annual minimum rent} = (1,000 \text{ kW}) \times (8760 \text{ hours}) \times (0.30 \text{ capacity}) \times (0.03 \text{ royalty}) \times (\$0.03 \text{ per kWh}) \text{ or } \$2,365 \text{ per megawatt of anticipated total installed capacity.}$$

The annual minimum rent will be phased in as follows:

- First year - 25 percent of the total minimum rental fee or \$591 per megawatt;
- Second year - 50 percent of the total minimum rental fee or \$1,182 per megawatt;
- Third year - 100 percent of the total minimum rental fee or \$2,365 per megawatt.

The full annual minimum rental fee will apply at any time prior to 3 years, upon the start of commercial operations of the project. The minimum rental fee is paid annually, in advance, on a calendar year basis consistent with the regulations (43 CFR 2803.1-2(a)).

Production Rent: In addition to the minimum rent, a wind energy production rental fee will be required as part of the development right-of-way grant and will apply for any operations greater than the annual minimum rent. The wind energy production rental fee formula will be determined by the authorized officer at the time of issuance of the right-of-way grant using comparative market surveys, appraisals, or other reasonable methods. The site-specific appraisal will use a percent of gross proceeds methodology based on actual sale prices of electricity and

market supported royalty rates. Gross proceeds will include any revenue from the sale of wind energy production from public land, including revenue from the sale of production credits (Renewable Energy Credits). The BLM will discourage the use of a separate “turbine installation fee” (an additional one time payment for each turbine installation) as part of the wind energy production rental fee.

Any production rental fee, above the annual minimum rent, will be paid by the holder of the development right-of-way grant 30 days after the end of the calendar year based on the actual production during the calendar year. The holder of the right-of-way grant shall provide, with the rental payment, documentation of the amount of power produced for the calendar year and evidence of gross income received from that production. Information provided by the holder on compensation provisions of a Power Purchase Agreement or other financial information will be held as proprietary by BLM and will be protected to the extent allowed by Federal law.

All wind energy right-of-way holders are subject to rent in accordance with this IM, unless they are specifically exempt from rent by statute or regulation. Some holders or facilities may be exempt from rent pursuant to the Rural Electrification Act of 1936, as amended (43 CFR 2803.1-2 (b)(1)).

The right-of-way grant may be assigned consistent with the provisions of the regulations (43 CFR 2803.6-3). However, all assignments shall be approved by the BLM authorized officer and the qualifications of all assignees must comply with the Due Diligence section of this IM and the requirements of the regulations (43 CFR 2802.3(a)(4) and 43 CFR 2802.4(a)(5)). A partial assignment of the grant shall not hinder the BLM management of the grant or the associated public lands.

All final decisions issued by the Authorized Officer in connection to the authorization of any of the above described wind energy projects are appealable under 43 CFR part 4 (43 CFR 2804.1(a)). It should also be noted that right-of-way grants are issued as full force and effect decisions (43 CFR 2804.1(b)) and will remain effective during any appeal period.

Competitive Interest: The right-of-way regulations (43 CFR 2803.1-3) provide authority for offering public lands under competitive bidding procedures for wind energy right-of-way authorizations. However, except for the limited competitive procedure identified below, site testing and monitoring or wind energy development right-of-way applications will be processed on a first come basis. The processing of wind energy right-of-way applications on a first come basis is consistent with the President’s National Energy Policy and will encourage the access to public lands for renewable energy resource assessments and development. BLM will only initiate a competitive process if a land use planning decision has specifically identified an area for competitive leasing, or if two applicants have current Power Purchase Agreements or Interconnect Agreements with utility transmission providers for a specific project area. If two applicants can provide adequate documentation of current Power Purchase Agreements or Interconnect Agreements, BLM will actively encourage the applicants to form a joint partnership or cooperative agreement which establishes compatible use of the site between the applicants. If

the applicants choose not to form a joint partnership or cooperative agreement, BLM will initiate a competitive process to determine the successful applicant. Competitive bidding will follow the procedures required by the regulations.

As indicated above, wind energy right-of-way applications will be handled on a first come basis. An applicant, however, must submit a complete and acceptable application and provide a cost recovery payment to BLM to establish a priority application. Pending applications will be processed consistent with the guidance provided by this IM prior to the acceptance of new applications for the same lands, unless the new applicant can provide adequate documentation of a current Power Purchase Agreement or Interconnect Agreement. The holder of a right-of-way grant for site testing and monitoring of a site testing and monitoring project area is required to submit, prior to the end of the 3-year term of the grant, an amended right-of-way application for wind energy development to retain an interest in the project area. The lands within the grant area will not be available for other wind energy right-of-way applications. If the holder of the site testing and monitoring right-of-way grant does not submit an amended right-of-way application for development, prior to the end of the 3-year term of the site testing and monitoring right-of-way, the site testing and monitoring right-of-way grant will terminate and the lands will be available for other wind energy applications.

Due Diligence: Some concerns have been raised regarding the potential for land speculators to obtain right-of-way grants and control valuable wind energy resource areas, with the potential to negatively impact the development of wind energy on the public lands. These concerns can be mitigated by applying the applicant qualification requirements of the regulations (43 CFR 2802.3(a)(4) and 43 CFR 2802.4(a)(5)) and requiring certain due diligence provisions in the right-of-way authorization for site testing and monitoring or wind energy development.

The regulations clearly provide authority to require that the application include information on the applicant's technical capability to construct, operate, and maintain the wind energy facilities (43 CFR 2802.3(a)(4)). This technical capability can be demonstrated by international or domestic experience with wind energy projects or other types of electric energy related projects on either Federal or non-Federal lands. The applicant should also be able to provide information on the availability of sufficient capitalization to carry out development, including the preliminary study phase of the project, as well as the site testing and monitoring activities. Actual development or ownership of similar sized wind energy facilities or other types of electric energy related facilities within the last five years by the applicant would generally constitute evidence of financial capability. However, applicants in bankruptcy or other related financial difficulties may not be able to meet the due diligence provisions of the right-of-way authorization. The regulations provide the authority to deny the application if the applicant cannot demonstrate adequate technical ability to construct, operate, and maintain the wind energy facilities (43 CFR 2802.4(a)(5)).

Due diligence is encouraged by the limited 3-year term of the site testing and monitoring right-of-way authorization. The site testing and monitoring right-of-way grant for a site testing and monitoring project area can only be extended or renewed if an amended right-of-way application

and Plan of Development is submitted for a wind energy development project prior to the end of the 3-year term of the grant. In addition, the site testing and monitoring authorization and the wind energy development authorization shall include a due diligence requirement for installation of facilities consistent with an approved Plan of Development. If monitoring facilities, under a site testing and monitoring right-of-way authorization, have not been installed within 12 months after the effective date of the authorization or consistent with the timeframe of the approved Plan of Development, the holder shall provide BLM just cause as to the nature of any delay, the anticipated date of installation of facilities, and evidence of progress toward site monitoring activities. If construction of wind energy facilities, under a wind energy development authorization, has not commenced within 2 years after the effective date of the grant or consistent with the timeframe of the approved Plan of Development, the right-of-way holder shall provide BLM just cause as to the nature of any delay, the anticipated date of construction, and evidence of progress toward commencement of construction. Failure of the holder to comply with the due diligence provisions of either the site testing and monitoring authorization or the wind energy development authorization provides the authorized officer the authority to terminate the authorization (43 CFR 2803.4(b)). The rental fee provisions outlined in this IM also mitigate to some extent the concerns regarding due diligence.

Environmental Review:

1) Site Testing and Monitoring Application: The scope of the environmental analysis required by the National Environmental Policy Act (NEPA) for a wind energy site testing and monitoring right-of-way application includes direct, indirect, and cumulative effects of the proposed site testing and monitoring related facilities. The site testing and monitoring right-of-way authorization is for a limited term (3 years) and usually includes only a few wind monitoring towers with instruments attached to measure various meteorological parameters such as wind speed, wind direction, and temperature at various heights above the ground. The footprint for each monitoring tower is small and the need for site clearances should be limited to the areas of proposed surface disturbance and associated areas of potential effect. However, the potential impacts to avian (bird) and bat species from the installation of meteorological towers and associated guy wire supports should be addressed in the environmental analysis. The analysis will require compliance with the requirements of the Endangered Species Act, the Migratory Bird Treaty Act, the National Historic Preservation Act and other appropriate laws.

The environmental review should not address wind energy development facilities, as the installation of wind turbines are not proposed during site testing and monitoring. The reasonable foreseeable development discussions in the environmental analysis for a site testing and monitoring right-of-way application should focus on anticipated installation of additional wind monitoring facilities during the term of the right-of-way grant. Typically only a small number of wind energy site testing and monitoring authorizations ever lead to actual wind energy development projects. Therefore, the reasonable foreseeable development discussion should not focus on uncertain future development scenarios. However, the cumulative impacts of other wind energy site testing activities and any other reasonable foreseeable activities that potentially impact the same environmental resources in the area are required to be addressed in the environmental analysis.

In some instances, the level of analysis for site testing and monitoring may be completed with a land use plan conformance determination and a Determination of NEPA Adequacy (DNA), rather than a categorical exclusion or environmental assessment record and Finding of No Significant Impact. Guidance on the use of the DNA process for the review of temporary wind energy site testing and monitoring facilities is found in IM 2001-062, dated December 29, 2000.

The holder of a site testing and monitoring right-of-way grant for a site testing and monitoring project area is limited in term to 3 years and the holder is required to submit an amended right-of-way application for any wind energy development project. The right-of-way regulations (43 CFR 2803.6-1) require that the application be submitted and processed consistent with the provisions of 43 CFR 2802 as a separate and distinct application. The holder of the site testing and monitoring right-of-way grant has established no right to development and is required to submit a separate application to BLM for analysis, review, and decision. The proposed wind energy development project will be evaluated upon the submittal of an actual application for the development project. These are not connected actions under the CEQ NEPA regulations (40 CFR 1508.25), as the site testing and monitoring authorization does not automatically trigger any wind energy development project. The site testing and monitoring activities can proceed regardless of whether any future right-of-way application is received for a wind energy development proposal and regardless of any decision that may be made by BLM regarding that application. The site testing and monitoring authorization is independent of any application that may be made in the future for wind energy development.

2) Commercial Wind Energy Development Application: The scope of the NEPA analysis and the compliance requirements with the Endangered Species Act, the Migratory Bird Treaty Act, the National Historic Preservation Act, and other laws for a wind energy development right-of-way application will be broader than a site testing and monitoring application, as the installation of wind turbines, access roads, and electrical transmission facilities will be addressed in the analysis. However, the footprint of wind energy facilities are typically smaller than other types of energy production facilities. The level of site clearances should be limited to the areas of proposed surface disturbances and associated areas of potential effect, including the access roads to wind turbine locations and the electrical transmission and other support facilities. The wind energy development facilities, however, may extend over a large geographic area and have a broad area of influence. The potential impact from these facilities may, therefore, extend beyond the small footprint of the individual wind turbine locations and it may be necessary to provide setbacks from important avian, bat or other wildlife use areas.

The reasonable foreseeable development discussion in the environmental analysis for a development project should focus on the potential for installation of additional wind turbines and increased production and electrical transmission from the project area. In addition, the cumulative impacts of other wind energy projects and any other reasonable foreseeable projects that potentially impact the same environmental resources in the area are required to be addressed

in the environmental analysis. A comprehensive Environmental Assessment (EA) will usually be required, however, an Environmental Impact Statement (EIS) may be required if significant public controversy or a determination of significant adverse impacts is made. It may also be possible to combine the required environmental review process for a wind energy development project with applicable State or local environmental procedures for energy facility siting. This would both streamline the process and be consistent with Departmental policy on intergovernmental cooperation.

Although wind energy facilities may not have as significant an adverse impact on surface resources compared to other conventional electrical generation or energy production facilities, there is some concern over adverse noise impacts of rotor blades, visual resource impacts, and potential avian and bat issues. Many of these problems have been resolved or greatly reduced through technological development and the proper siting of wind energy turbines. Potential avian and bat mortality remains a concern of many individuals, however, the use of non-perch towers, new blade designs and reduced rpm rotation has reduced these potential adverse impacts. Raptor impacts from wind energy facilities can be a potential concern. In particular, wind energy turbines located on ridges and upwind slopes can utilize the same updrafts that are commonly used by soaring birds, including but not limited to raptors. Each proposed development site, however, is unique and will require an analysis of avian and bat concentration and movement patterns to determine the potential effects from wind energy development. This analysis should include an examination of the proposed development site to identify major avian and bat feeding, roosting and resting areas, including raptor use areas and Important Bird Areas (IBAs), as well as wetlands, rookeries, and low-level flight paths. This analysis should determine appropriate setbacks to protect these important avian and bat habitats. Care should be taken to identify the ranges and movement patterns of avian and bat species, including threatened and endangered species and other species of management concern. Current information on avian issues is available from the Department of Energy's National Renewable Energy Laboratory (NREL), National Wind Technology Center internet site (www.nrel.gov/wind/avian.html). Information on visual resource management requirements that may assist in addressing wind energy siting issues is available from the BLM National Science and Technology Center (NSTC) internet site (www.blm.gov/nstc/VRM).

LR 2000 Data Entry: A new commodity code (974) has been established to identify wind energy related right-of-way authorizations and to track these uses within LR 2000. Please refer to IM No. 2002-189, dated June 13, 2002, for guidance on the use of this new commodity code.

Time Frame: Effective immediately upon receipt. This interim policy does not apply to wind energy site testing and monitoring authorizations or wind energy development projects authorized prior to the effective date of this IM. However, pending applications and existing wind energy right-of-way authorizations may be amended at the request of the applicant or the holder to include the provisions of this IM. This includes the opportunity for the holder of a right-of-way grant for site testing and monitoring to submit an amended right-of-way application and Plan of Development to BLM for review, analysis, and separate approval for a future wind

energy development project consistent with the provisions of this IM. Any amendment of an existing wind energy right-of-way grant that includes an adjustment of rental provisions consistent with this IM, will be effective at the next billing date after the amendment. There will be no refund or credits applied for previous rental payments.

Budget Impact: The application of this interim policy will have some impact on budget. The BLM's proposed FY 2003 budget includes some increased funds for energy related workload, including wind energy, and the development of the FY 2004 budget has identified wind energy workload needs. However, wind energy right-of-way applications are subject to the cost recovery provisions of the regulations and most applications for a development right-of-way will probably meet the criteria for full cost recovery. In addition, BLM monitoring activities are also subject to the cost recovery provisions of the regulations. Workload impacts should be clarified through the streamlined procedures identified by this IM and by the priority established for processing wind energy right-of-way applications. There is also a positive impact through the implementation of consistent procedures in the processing of wind energy right-of-way applications under the existing FLPMA regulations.

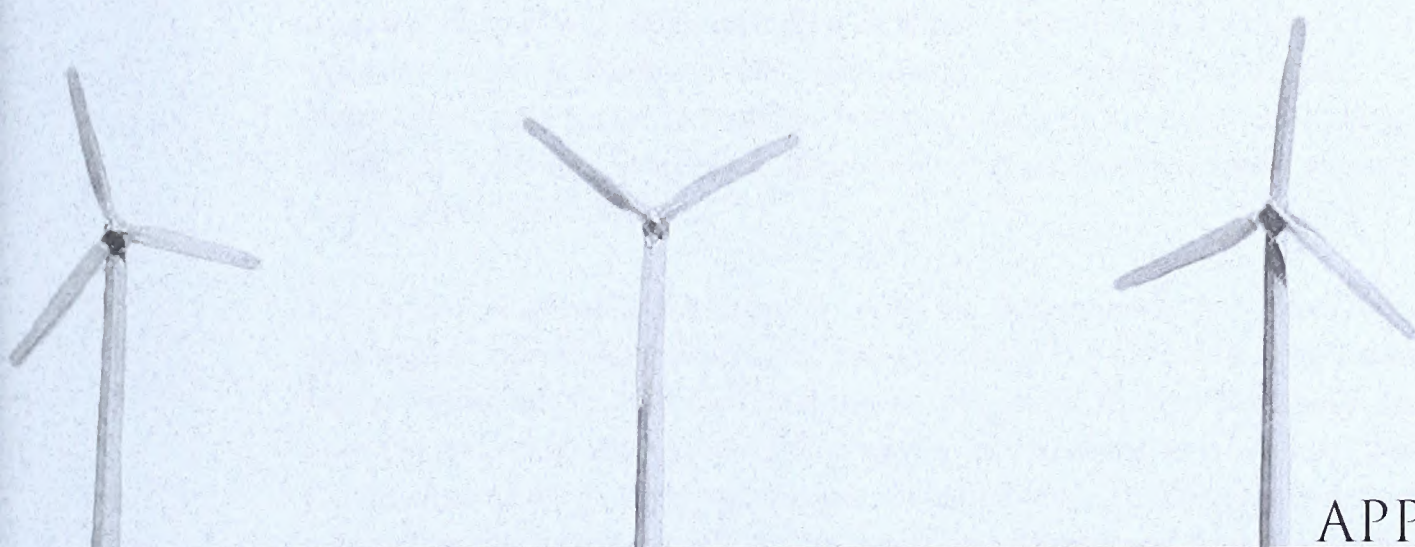
Manual/Handbook Sections Impacted: This Instruction Memorandum and policy affect BLM Manual 2801, Right-of-Way Management and Handbook H-2801-1.

Coordination/Contacts: This interim policy was developed with the assistance of a BLM wind energy working group of Field Office representatives and coordinated at the BLM Assistant Director level. BLM State Offices and the U.S. Forest Service were also provided an opportunity to review the policy and provide input prior to finalization. The Department of Energy, National Renewable Energy Laboratory and the BLM National Science and Technology Center provided assistance in addressing technical issues. Wind energy issues have also been the focus of a series of Renewable Energy conferences held by the Department of the Interior and the BLM and also discussions with the Western Governor's Association. The Western State Land Commissioners Association was also provided an opportunity to provide comments on the policy issues. Contacts were also made with wind energy industry representatives and other external groups to discuss wind energy issues.

For Further Information: Any questions concerning the content of this IM should be directed to the WO, Lands and Realty Group 350 and the attention of Ray Brady, Group Manager at (202) 452-7773 or by Email at ray_brady@blm.gov.

Signed by:
Kathleen Clarke
Director

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560



APPENDIX C

BLM BEST MANAGEMENT PRACTICES

BEST MANAGEMENT PRACTICES

These Best Management Practices (BMP) are a compilation of measures taken from the guide stipulations in BLM Manual Handbook H-2801-1, site-specific stipulations developed for other projects, and site-specific stipulations developed for this project. They are subject to change, and may be modified to include BMP from BLM's National Programmatic Wind EIS.

PROJECT PLANNING, DESIGN AND COMPLIANCE

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development, which was (were) approved and made part of the grant on (date of grant). Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The holder shall submit a plan or plans of development that describe in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The degree and scope of these plans will vary depending upon (1) the complexity of the right-of-way or its associated improvements and/or facilities, (2) the anticipated conflicts that require mitigation, and (3) additional technical information required by the authorized officer. The plans will be reviewed, and if appropriate, modified and approved by the authorized officer. An approved plan of development shall be made a part of the right-of-way grant.
3. The holder shall contact the authorized officer at least 14 days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
4. The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

5. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
6. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
7. The holder shall perform the necessary transportation studies and recommend a road standard to meet the purpose of the road. This standard and the topography, soils, and geologic hazards of the lands crossed will define the level of survey and design necessary. Accepted standards for road design, including the BLM Manual Section may be used.
8. The holder shall obtain the services of a licensed professional engineer to locate, survey, design, and construct the proposed road as directed by the authorized officer. The road design shall be based on the (1) width, (2) maximum grade, and (3) design speed of the road.
9. The holder shall submit standard or typical cross sections of the road to be constructed, maintained, or reconstructed as directed by the authorized officer. The cross sections should include, but are not limited to, the proposed road width, ditch dimensions, cut and fill slopes, and typical culvert installation.
10. As directed by the authorized officer, the completed subgrade shall be submitted to the Bureau for approval prior to the placement of any surfacing.
11. As directed by the authorized officer, surfacing shall be designed to accommodate anticipated loading and traffic volumes and shall provide for future maintenance.
12. The design and location of all facilities shall be approved by the authorized officer prior to construction.
13. The road proposed as part of this authorization shall be constructed and maintained in accordance with the BLM standards prescribed for a collector type road.

RESOURCE PROTECTION

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the

- authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
 3. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
 4. The prevention and spread of noxious and invasive weeds is a high priority to nearby communities and BLM received numerous comments on weeds during public scoping. Under EO 13112, Federal agencies shall not fund, or authorize actions likely to cause or promote the introduction or spread of invasive species in the United States. Windland would prepare a noxious and invasive weed plan as part of the project. The weed plan would include preconstruction weed inventories and a post construction monitoring plan to prevent and treat the spread of weeds. Construction equipment would be cleaned and free of weeds prior to coming onto the construction site. Windland would locate an intermediate wash station midway through the project area to prevent lower elevation weed species from moving up the Cotterel ridgeline. Only certified weed free straw and hay would be used as mulch or for temporary erosion control measures.
 5. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of

the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

SURVEY AND STAKING

1. The holder shall place slope stakes, culvert location and grade stakes, and other construction control stakes as deemed necessary by the authorized officer to ensure construction in accordance with the plan of development. If stakes are disturbed, they shall be replaced before proceeding with construction.
2. No surface disturbance or construction activity will be allowed within 100 feet of any cultural sites which are clearly marked as specified by the authorized officer. Any deviation from this requirement shall have the prior written approval of the authorized officer.
3. The holder shall set center line stakes to identify the location of the proposed road as directed by the authorized officer.
4. Cut and fill slope stakes shall be set as directed by the authorized officer.
5. The holder shall identify and physically mark the boundaries of all construction work areas (e.g., construction right-of-way, extra work space areas, storage and contractor yards, borrow and disposal areas, access roads, etc.) that would be needed for safe construction. The Applicant must ensure that appropriate cultural resources and biological surveys have been conducted.

CONSTRUCTION MEASURES

1. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles within the right-of-way. Topsoil shall be stripped to an average depth of 4-6 inches. If deep soils are available, segregate 6-12 inches of topsoil and stockpile accordingly.
2. The holder will rip severely compacted areas to a depth of 12". In areas where topsoil has been segregated, rip the subsoil before replacing the segregated topsoil.
3. Excavation and embankment quantities shall be balanced as nearly as design and construction considerations allow. Any waste and/or borrow needs shall be specifically identified by the holder.
4. Excess excavated, unsuitable, or slide materials shall be disposed of as directed by the authorized officer.

5. Waste rock from road and turbine pad construction would be hauled to the rock crushing plant to create material to be used for road surfacing. Excess rock would be hauled off-site and disposed of at an approved facility.
6. Clearing and grubbing debris shall not be placed or permitted to remain in or under any embankment sections. Clearing and grubbing debris may be placed under waste material with a minimum of 3 feet of cover as directed by the authorizing officer.
7. Earthwork areas shall be cleared of vegetation and the topsoil stockpiled for future rehabilitation. Prior to fill construction, the existing surface shall be sloped to avoid sharp banks and allow equipment operations. No fills shall be made with water saturated soils. Materials shall be placed in uniform layers not to exceed 12 inches in thickness. Construction equipment shall be routed evenly over the entire width of the fill to obtain a thorough compaction.
8. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
9. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six (6) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
10. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
11. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
12. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
13. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All waste material resulting from construction or use of the site by holder shall be removed from the site.

FENCING, CATTLEGUARDS AND CULVERTS

1. Cattleguards shall be 5 feet by 16 feet and as a minimum meet the requirements of BLM Manual Section 9113.25. They shall be set on (timber, precast concrete, cast-in-place concrete) bases at right angles to the roadway. Backfill around cattle guards shall be thoroughly compacted. A bypass gate shall be built adjacent to each cattleguard structure.

Gate materials, dimensions, and construction shall conform to the requirements as specified by the authorized officer.

2. Fences, gates, and brace panels shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the authorized officer.
3. The holder shall furnish and install culverts of the gauge, materials, diameter(s), and length(s) indicated and approved by the authorized officer. Culverts shall be free of corrosion, dents, or other deleterious conditions. Culverts shall be placed on channel bottoms on firm, uniform beds which have been shaped to accept them and aligned to minimize erosion. Backfill shall be thoroughly compacted. No equipment shall be routed over a culvert until backfill depth is adequate to protect the culverts.
4. As directed by the authorized officer, construction stakes shall be set for each culvert to show location as well as inlet and outlet elevations, diameter, and length.
5. As directed by the authorized officer, the holder shall submit a complete culvert list to reflect the drainage plan for the road. The list shall include, but not be limited to, size(s), lengths, and locations of the culverts.
6. The minimum diameter for culverts shall be 18 inches.
7. All roads and parking areas shall be constructed to provide drainage and minimize erosion. Culverts shall be installed if necessary to maintain drainage. All areas to be used for roads and parking shall be surfaced with gravel.
8. Culverts and lateral ditches shall be staked for location, skew, and elevation as directed by the authorized officer.

ACCESS

1. Specific sites as identified by the authorized officer (e.g., archaeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed, shall be clearly marked on-site by the holder before any construction or surface disturbing activities begin. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
2. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.

3. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
4. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
5. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the authorized officer.
6. If 'cross country' access is necessary, clearing vegetation or grading a roadbed will be avoided whenever practicable. All construction and vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer. All temporary roads used for construction shall be rehabilitated after construction is completed. Only one road or access route will be permitted to each site requiring access.
7. The holder shall inform the authorized officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195.
8. Plan for safe and accessible conditions at all roadway crossings and access points during construction and restoration.

POWERLINE CONSTRUCTION

1. Unless otherwise agreed to by the authorized officer in writing, power lines shall be constructed in accordance to standards outlined in Avian Power Line Interaction Committee (APLIC). 1996. "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996". Edison Electric Institute and the Raptor Research Foundation. Washington, D.C. (see Attachment #1 – Excerpts and Figures from the above Cited Publication). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe". Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

2. The holder shall use nonreflecting lines and conductors at the following location(s): (to be determined)
3. The holder shall evenly spread the excess soil excavated from pole holes within the right-of-way and in the immediate vicinity of the pole structure.

ENVIRONMENTAL COLORATION

1. The holder shall coordinate with the authorized officer on the design and color of the towers, blades, poles and transmission lines to achieve the minimum practicable visual impacts.
2. All above-ground structures not subject to safety requirements or other painting requirements specified by the authorized officer, shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates 'Standard Environmental Colors' designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this right-of-way is (to be determined).

EARTHWORK AND EROSION CONTROL

1. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
2. The holder shall recontour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
3. The holder shall uniformly spread topsoil over all unoccupied disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.
4. The holder shall construct water bars on all disturbed areas to the spacing and cross sections specified by the authorized officer. Water bars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.
5. As directed by the authorizing officer, all road segments shall be winterized by providing a well-drained roadway by water baring, maintaining drainage, and any additional measures necessary to minimize erosion and other damage to the roadway or the surrounding public lands.
6. Temporary erosion and sediment control devices, including slope breakers and sediment barriers, will be installed promptly after soil disturbance. These devices will be inspected on a daily basis in areas of active construction; on a weekly basis in areas with no active construction; and within 24 hours of each 0.5-inch or greater rainfall. Temporary slope

breakers (e.g., hay bales, silt fence, earthen berms) will be constructed and maintained according to the specifications and recommendations of the BLM. Windland will install temporary sediment barriers such as silt fence or staked straw bales, on either side of a water body channel across the width of the construction ROW; around spoil and topsoil stockpiles; and, at the edge of the ROW to contain topsoil or spoil material and flow of sediment into adjacent areas. Sediment barriers will be maintained as necessary to ensure effectiveness during construction. In steep terrain, temporary sediment barriers will be installed during clearing to prevent the movement of disturbed soil off the right-of-way. Temporary slope breakers consisting of mounded and compacted soil will be installed across the right-of-way during grading.

7. Surface water quality would be protected from impacts of construction with sediment barriers that would be maintained until satisfactory reclamation is established.

SEEDING AND MULCHING

1. The holder shall prepare a seedbed by (scarifying the disturbed area) (distributing topsoil uniformly) (disking the topsoil) as directed by the authorized officer.
2. The holder shall seed all disturbed areas with the seed mixture(s) listed below. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within 6 months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to ensure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the 2nd season after seeding. The authorized officer is to be notified a minimum of 14 days prior to seeding of the project.

Seed Mixture

- Species of Seed Variety Pounds/acre PLS (seed mix to be determined)
- Total (to be determined) lbs/acre PLS
- Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

3. The holder will apply clean, weed-free straw mulch to all disturbed areas. Mulch will be applied concurrent with or immediately after seeding, where necessary to stabilize the soil surface and to reduce wind and water erosion. Mulch will be uniformly spread over at least 75 percent of the ground surface in disturbed areas to minimize the effects of water and wind erosion and to preserve moisture in areas requiring vegetation. Mulch will be anchored by disking or punching, depending the percent slope.

FIRE PROTECTION

1. The holder shall prepare a fire prevention and suppression plan, which shall be reviewed, modified and approved, as appropriate, by the authorized officer. The holder shall take into account such measures for prevention and suppression of fire on the right-of-way and other public land used or traversed by the holder in connection with operations of the right-of-way. Project personnel shall be instructed as to individual responsibility in implementation of the plan.
2. During construction, operation, maintenance, and termination of the right-of-way, during the period from July 1 to Sept. 15, vehicles, gas-powered equipment, and flues shall be equipped with spark arresters approved by the authorized officer.
3. The holder shall maintain a fire watch with fire-fighting equipment during construction at the following locations: (to be determined) as required by the authorized officer.
4. When requested by the authorized officer, the holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the authorized officer.

LIABILITY AND BONDING

1. The holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR Sec. 2803.1-4. The holder shall be held to a standard of strict liability for damage or injury to the United States resulting from fire or soil movement (including landslides and slumps as well as wind and water-caused movement of particles) caused or substantially aggravated by any of the following within the right-of-way or permit area:
 - (1) Activities of the holder, including but not limited to construction, operation, maintenance, and termination of the facility.
 - (2) Activities of other parties including but not limited to:
 - (a) Land clearing and logging.
 - (b) Earth-disturbing and earth-moving work.
 - (c) Blasting.
 - (d) Vandalism and sabotage.

The maximum limitation for such strict liability damages shall not exceed (to be determined) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

This section shall not impose strict liability for damage or injury resulting primarily from the negligent acts or omissions of the United States.

2. The holder shall be responsible for repairing/replacing any resources lost by grazing permittees or the United States as a result of the project. Resources may include, but not be limited to, stock water pipelines, livestock, forage for livestock grazing, spring (water) production, and the ability to graze livestock. Any lost resources would be repaired or replaced in kind or by mutually agreed on compensation.
3. A bond, acceptable to the authorized officer, shall be furnished by the holder prior to the issuance of a notice to proceed or at such earlier date as may be specified by the authorized officer. The amount of this bond shall be determined by the authorized officer. This bond must be maintained in effect until removal of improvements and restoration of the right-of-way have been accepted by the authorized officer.
4. Should the bond delivered under this grant become unsatisfactory to the authorized officer, the holder, shall, within 30 days of demand, furnish a new bond.

ROAD AND CONSTRUCTION SITE MAINTENANCE

1. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade two (2) inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.
2. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing).
3. Except rights-of-way expressly authorizing a road after construction of the facility is completed, the holder shall not use the right-of-way as a road for purposes other than routine maintenance as determined necessary by the authorized officer in consultation with the holder.
4. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

5. For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the road. Holder shall provide the authorized officer, within 30 days from the date of the grant, with the names and addresses of all parties notified, dates of notification, and method of notification. Failure of the holder to share proportionate maintenance costs on the common use access road in dollars, equipment, materials, or manpower with other authorized users may be adequate grounds to terminate the right-of-way grant. The determination as to whether this has occurred and the decision to terminate shall rest with the authorized officer. Upon request, the authorized officer shall be provided with copies of any maintenance agreement entered into.

HAZARDOUS MATERIALS

1. The holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous materials, as defined in this paragraph, that will be used, produced, transported or stored on or within the R/W or any of the R/W facilities, or used in the construction, operation, maintenance or termination of the R/w or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U. S. C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.
2. The holder of right-of-way No. IDI-33676 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
3. The holder shall submit its contingency plan to the authorized officer prior to scheduled start up.
 - a. Include provisions for oil or other pollutant spill control.
 - b. The agencies responsible for contingency plans in southern Idaho shall be among the first to be notified in the event of any transformer failure resulting in a spill of oil or other pollutant.
 - c. Provide for restoration of the affected resource.

- d. Provide that the authorized officer shall approve any materials or devices used for oil spill control and any disposal sites or techniques selected to handle oil, matter, or other pollutants.
 - e. Include separate and specific techniques and schedules for cleanup of spills of oil or other pollutants on land or waters.
4. The holder would not refuel any equipment within 500 feet of any live water source.

AIR QUALITY

1. The holder shall meet Federal, State, and local emission standards for air quality and shall submit for the authorized officer's review a technical report addressing criteria and methodology of how the proposed facility will be located and designed to meet said standards.
2. The holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.
3. The holder will be responsible for controlling dust by reducing travel speed and/or applying dust suppressants (e.g., magnesium chloride or other agency-approved materials). Dust will be considered a nuisance/hazard when a visible plume of dust extends more than 300 feet from the source and an estimated opacity exceeding 20 percent (objects partially obscured). Additional methods of dust control that may be used by the holder include, but are not limited to:
 - Application of water or magnesium chloride to access roads or sections of the ROW as needed to suppress dust;
 - Application of water to specific activities on the ROW that generate dust plumes (i.e., trenching or blasting);
 - Curtailing of dust-generating activities during high winds;
 - Implementation of mandatory speed limits on vehicles using access roads or traveling the ROW; and,
 - Limitation of number of vehicles allowed on the ROW.

BLASTING

1. The holder would conduct pre and post blasting surveys of springs within 500 feet of the blast site. Ground vibrations would be monitored at the blast site and at these spring locations. If springs are damaged, the holder would replace a like amount of lost water or otherwise compensate the owner.
2. Limit blasting to the hours of 8 am to 5 pm M-F. Limit heavy truck traffic through communities to the same hours.

CIVIL RIGHTS

1. The holder of this right-of-way grant or the holder's successor in interest shall comply with VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulations of the Secretary of Interior issued pursuant thereto.

RIGHT-OF-WAY TERMINATION

1. Ninety days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

RESPONSIBILITIES OF ENVIRONMENTAL INSPECTOR(S)

The Holder shall institute an environmental inspection program that shall be responsible for:

1. Ensuring compliance with the requirements of this Plan and the environmental conditions of the ROW grant authorization, the mitigation measures proposed by the Applicant (as approved and/or modified by the ROW grant), other environmental permits and approvals.
2. Identifying, documenting, and overseeing corrective actions, as necessary to bring an activity back into compliance;
3. Verifying that the limits of all authorized construction work areas and locations of access roads are properly marked before clearing;
4. Verifying the location of signs and highly visible flagging marking the boundaries of sensitive resource areas, drainages, water bodies, or areas with special requirements along the construction work area;
5. Identifying erosion/sediment control and soil stabilization needs in all areas;
6. Ensuring that the location of dewatering structures and slope breakers will not direct water into known cultural resources sites or locations of sensitive species;
7. Verifying that trench dewatering activities do not result in the deposition of sand, silt, and/or sediment near the point of discharge into a drainage or water body. If such deposition is occurring, the dewatering activity shall be stopped and the design of the discharge shall be changed to prevent reoccurrence;

8. Ensuring that subsoil and topsoil are tested in areas to measure compaction and determine the need for corrective action;
9. Advising the Construction Contractor when conditions (such as wet weather) make it advisable to restrict construction activities to avoid excessive rutting;
10. Ensuring restoration of contours and replacement of topsoil;
11. Verifying that any soils or materials imported for use have been certified as free of noxious weeds;
12. Determining the need for and ensuring that erosion controls are properly installed, as necessary to prevent sediment flow into drainages, water bodies, sensitive areas, and onto roads;
13. Inspecting and ensuring the maintenance of temporary erosion control measures at least:
 - a. on a daily basis in areas of active construction or equipment operation;
 - b. on a weekly basis in areas with no construction or equipment operation; and
 - c. within 24 hours of each 0.5 inch of rainfall;
14. Ensuring the repair of all ineffective temporary erosion control measures within 24 hours of identification;
15. Keeping records of compliance with the environmental conditions of the ROW grant, and the mitigation measures proposed by the Applicant in the application submitted to the BLM; and
16. Identifying areas that should be given special attention to ensure stabilization and restoration after the construction phase.

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APPENDIX D

BEST MANAGEMENT PRACTICES SPECIFIC TO WILDLIFE

BEST MANAGEMENT PRACTICES SPECIFIC TO WILDLIFE

AVIAN/WILDLIFE MORTALITY

Turbines

- Implement lighting scheme to alert night migrants to turbines and as required by FAA regulations.

Power Lines

- Minimize the use of guy wires.
- Use bird deflectors or other appropriate marking devices on the transmission interconnect lines where they cross the Snake River.
- Use raptor deflector devices on all potential raptor perching structures.
- Install raptor perch prevention devices on aboveground power line poles.
- Avoid electrocution by placing sufficient space between power line wires.
- Aerial inspection of lines should be prohibited below 1,000 feet from November 15 through 15 March for wintering eagle protection.
- No graveled roads are allowed under transmission lines. Only unimproved 2-tracks may be used for maintenance.
- Follow guidelines for Avian Power Line Interaction Committee (1996) and take corrective actions as needed and as reviewed by the Steering Committee.

General Wildlife

- Place turbines at least 1/4 mile from golden eagle nests.
- Establish and sign speed limits for all vehicles on roads.

Monitoring

- The holder shall conduct fatality monitoring using methods that have been implemented at other constructed wind projects in the United States (Erickson et al., 2000, 2001a, 2003, 2004, Johnson et al., 2000) for a period of five years beginning with the start up power production. Fatality monitoring will be adapted for the site-specific conditions found at Cotterel Mountain. The specific protocol for the fatality monitoring will be outlined in the Plan of Development for the Proposed Project.
- The holder shall continue to conduct sage-grouse lek studies in accordance with IDFG protocols on leks that are within the project area for a period of five years beginning with the start up power production.

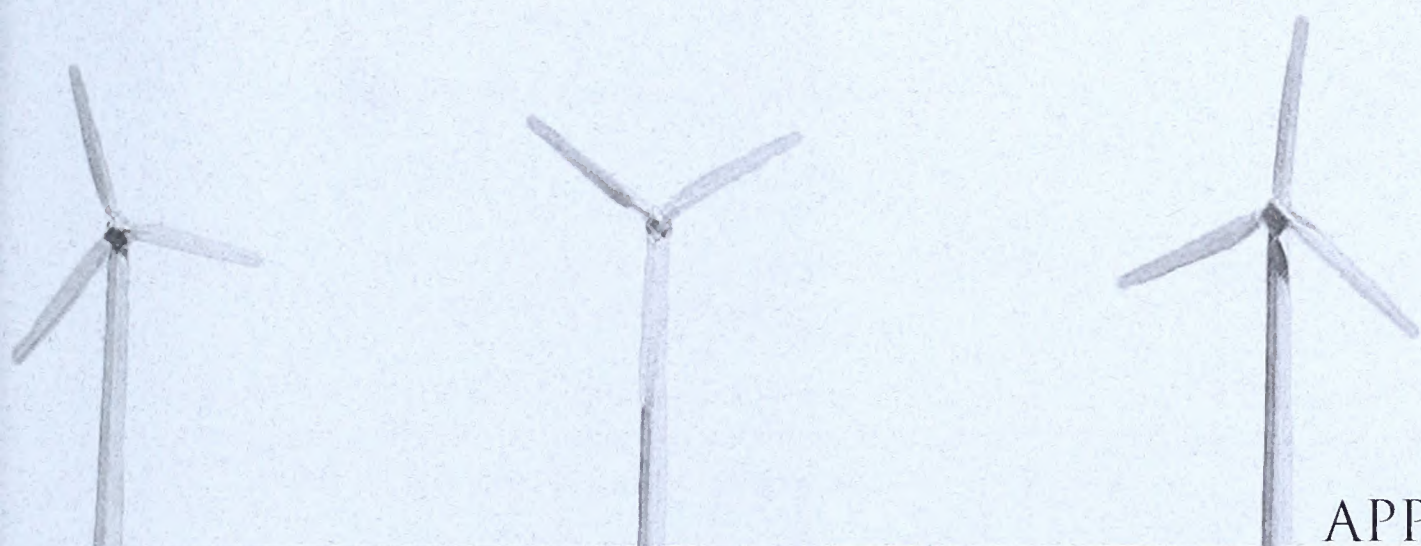
HABITAT LOSS/DEGRADATION

Roads/Construction Pads/Fill/Transformers

- Provide for on-site inspection and monitoring of on-site soil storage areas.
- Prior to removal of soils inspect proposed storage sites to determine that no sensitive plant or animal species or habitat is present.
- Stored native soils will be replaced on top of temporary use sites and will not be used as fill.
- Plant native seeds/year old sagebrush/other specialized plants in disturbed areas.
- Where possible, replace disturbed construction sites with native soil within the project area.
- Require native or native like seed replacement where rehabilitation occurs within the project area.
- When possible, collect native seeds from the project site for rehabilitation plantings.

General Wildlife

- Restrict all construction and maintenance activities which occur within 0.5 miles of a lek between the hours of 4 am and 11 am during the lekking season (mid-March – mid-May).



APPENDIX E

BLM INTERIM OFFSITE COMPENSATORY MITIGATION FOR OIL, GAS, GEOTHERMAL AND ENERGY RIGHTS-OF-WAY AUTHORIZATIONS

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

February 1, 2005

In Reply Refer To:
3100/2800/1790 (310/350)P

EMS TRANSMISSION 02/02/2005
Instruction Memorandum No. 2005-069
Expires: 09/30/2006

To: All State Directors and Field Managers

From: Director

Subject: Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy
Rights-of-Way Authorizations

Purpose: This Instruction Memorandum (IM) outlines interim policy for the use of compensatory (offsite) mitigation for authorizations issued by the Bureau of Land Management (BLM) in the oil, gas, geothermal and energy right-of-way programs.

Background: Provisions of the Federal Land Policy and Management Act (FLPMA), including section 302(b) (43 U.S.C. §1732(b)), and of the Mineral Leasing Act, including section 17(g) (30 U.S.C. § 226(g)), provide BLM the authority to require mitigation in the oil, gas, geothermal and energy right-of-way programs. Mitigation measures are actions the Secretary can direct to prevent unnecessary or undue degradation of the public lands and protect surface resources in the approval of surface use plans. Mitigation measures are oftentimes proposed by proponents seeking BLM authorizations. These measures, as part of a proposed action, are analyzed as part of BLM's compliance with the National Environmental Policy Act (NEPA). Mitigation, as defined by the Council on Environmental Quality (CEQ) for NEPA purposes in 40 CFR 1508.20, may include one or more of the following:

- “(a) Avoiding the impact altogether by not taking a certain action or parts of an action;*
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;*
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and*

*(e) **Compensating** for the impact by replacing or providing substitute resources or environments.” (emphasis added)*

This IM addresses the last category—offsite compensatory mitigation of impacts by replacing or providing substitute resources or environments. The application of this IM is further limited to the oil, gas, geothermal and energy right-of-way programs.

The last time the BLM addressed offsite mitigation in national policy was during promulgation of revisions to 43 CFR 3809-Surface Management regulations for locatable (hardrock) minerals, 65 FR 69998 (November 21, 2000). The BLM explained in the preamble that in the case of minerals, “BLM will approach mitigation on a mandatory basis where it can be performed on site, and on a voluntary basis, where mitigation (including compensation) can be performed offsite” 65 FR 69998 at 70012.

Because of recent interest expressed by cooperating agencies, State governments, and the public regarding offsite mitigation in the energy programs, the BLM is providing this policy guidance.

Attachment 1 defines terms used in conjunction with compensatory mitigation. Also, other Department of the Interior agencies have well-developed compensatory mitigation policies and procedures. A discussion of those programs is contained in Attachment 2.

Policy: The BLM will approach compensatory mitigation on an “as appropriate” basis where it can be performed onsite and on a voluntary basis where it is performed offsite. Further, this IM is not intended to establish an equivalency of mitigation policy by the BLM (i.e. acre for acre).

Since this policy generally adds a new dimension in mitigation practice for both BLM and public land users, it is being issued as interim guidance. The policy will be reviewed and updated prior to the expiration date of this IM. We anticipate both internal and external feedback that will lead to improvements and policy modification.

General

- This IM is applicable only to oil, gas, and geothermal authorizations and energy right-of-way authorizations granted by the BLM. Energy right-of-way authorizations include oil and gas pipelines, electric transmission lines, and wind and solar energy authorizations. The IM does not apply to any other BLM program or activity.
- When an applicant’s offsite mitigation proposal is part of the plan of development for an approved permit or grant, that mitigation will pass from being a voluntary proposal to becoming a requirement of the authorization. The applicant becomes committed to the offsite mitigation component once the authorization is granted.
- Offsite mitigation may be considered after application of other forms of onsite mitigation including best management practices (see also “Limitations” section).
- The BLM continues to have an obligation to ensure that actions do not result in unnecessary or undue degradation to the public lands. 43 U.S.C. §302(b).
- Offsite mitigation is to be entirely voluntary on the part of the applicant.

- When offsite mitigation is being considered as a design feature of the applicant's submission, BLM NEPA analysis should: 1) evaluate the need for offsite mitigation, 2) consider the effectiveness of offsite mitigation in reducing, resolving, or eliminating impacts of the proposed project(s), and 3) comparatively analyze the proposal with and without the offsite mitigation.
- The BLM may identify other offsite mitigation opportunities to address impacts of the project proposal, but is not to carry them forward for detailed analysis unless volunteered by the applicant.
- When applying offsite mitigation, it must be implemented in a timely manner and generally for the same or similar impacted species or habitats (for example, sagebrush/grassland for sagebrush/grassland).
- Offsite mitigation need not be permanent but should be of duration appropriate to the anticipated impact(s) being mitigated.
- This IM does not establish an equivalency requirement for offsite mitigation (no 1:1 compensation ratio).
- Any existing mandatory offsite mitigation programs used by Field Offices are to be reviewed in light of this national policy, and modified as appropriate.
- Offsite mitigation that has resulted from a formal Section 7 or Section 106 consultation is not affected by this IM.
- In cases where offsite mitigation is applied to an authorization to reduce impacts to less than "significant" for NEPA purposes the offsite mitigation must be committed and a condition of approval in the authorization issued.
- Offsite mitigation must not infringe on or affect other property rights including those of any mineral lessee of the offsite tract without agreement of affected parties.
- Offsite mitigation associated with a split estate lease must be in agreement with IM 2003-131 Permitting Oil and Gas on Split Estate Lands and Guidance for Onshore Oil and Gas Order No. 1.

Resource Management Plans

Older land use plans may not mention compensatory or offsite mitigation. Omission of such discussion does not prohibit consideration of offsite mitigation in accordance with this IM.

Endangered Species Act Section 7 Consultation

As mentioned earlier, any consultation with the U.S. Fish and Wildlife Service is subject to the applicable regulations and procedures for Endangered Species Act (ESA) consultation efforts. Any mitigation measures developed as a result of ESA consultation are not affected by the policies and procedures for use of offsite mitigation outlined in this IM.

National Historic Preservation Act Section 106 Consultation

Application of this policy to cultural resources must be consistent with the BLM's National Historic Preservation Act (NHPA) Section 106 responsibilities and individual BLM/State protocols under the BLM National Programmatic Agreement (PA). This includes any required coordination with the State Historic Preservation Office, tribes and the Advisory Council on Historic Preservation (ACHP). There are inherent limitations to the applicability of offsite mitigation to resolution of adverse effects under Section 106 of the NHPA. Cultural resources are non-renewable and may be unique, and it may not be appropriate to mitigate loss of such resource values by attempting to identify and preserve an alternative equivalent one. This is particularly true when data recovery is used as mitigation for loss of a site important for its data value, since it may result in the destruction of two sites. There are exceptions; for instance, where treatment onsite is technically impossible and an offsite resource is also at risk, or where offsite data recovery is part of an established research design and management strategy that will include onsite work.

Livestock Forage Mitigation

Impacts to livestock forage as a result of energy development are typically addressed through onsite mitigation using direct reclamation or rehabilitation techniques to re-establish the lost vegetation.

Financial Contributions toward Mitigation

In some circumstances, BLM may accept volunteered monies to pay for a larger effort to mitigate the impact of multiple actions when it is infeasible to require individual applicants to manage specific mitigation efforts. Such monies are to be used for on-the-ground projects. In order to qualify as offsite mitigation, the funds collected must be identified for specific types of mitigation projects and either the BLM or other parties may be identified as responsible for implementation of the project(s). However, it is not BLM policy to waive or forego onsite mitigation of impacts through payment of monies.

Where the effectiveness of mitigation will depend on future contributions from other applicants, such contributions cannot form the basis for a Finding of No Significant Impact or compliance with a legal limitation on effects, such as those in the Clean Air Act.

Whenever monies are handled either directly or indirectly by the BLM, pursuant to section 307(c) of FLPMA, a signed cooperative agreement will be required before any funds can be received or transferred. If a third-party organization agrees to accept voluntary funds from an applicant for funding of mitigation projects, the affected BLM office will enter into cooperative agreements with the affected parties (see BLM Manual 1511 and Manual Handbook 1511-1). The parties to the agreement must include the cooperators and the party or parties responsible for project implementation.

Monetary compensation can be made directly to the BLM in accordance with a formal cooperative agreement and with prior approval of the appropriate State Director. Compensation also must be properly recorded on Form 4120-9 (“Proffer of Monetary Contributions”) and deposited in the appropriate 7100 (usually 7122) account for redistribution for offsite activities to offset adverse impacts for a particular action or class of actions. These accounts require assignment of specific project codes to track the contributions and subsequent expenditures. State Office Budget staff can provide assistance in establishing the project codes.

Cooperative agreements must also address the following items:

- Authority to enter into a cooperative agreement;
- Disposition of excess funds, if any;
- Project codes and tracking of funds incoming and outgoing (especially in the case of multiple contributors);
- Administrative surcharges;
- Other agency rules and requirements for cooperators; and
- Adequacy of funds for specific mitigation projects.

Field Offices are required to use a cooperative approach in approving projects where compensation funds are involved. It is usually appropriate to involve cooperators (e.g., State Game and Fish agencies) and any other directly affected parties in determining the specific mitigation projects. It is never appropriate for third parties to make these determinations without direct, local BLM involvement in the specific mitigation project. In undertaking cooperative efforts, the BLM needs to ensure compliance with the Federal Advisory Committee Act (FACA), if applicable.

Should the mitigation program provide for public input on offsite mitigation projects or the application of funds, Field Offices should be certain to comply with FACA when establishing a committee to provide it advice as a group, as opposed to the views of individual participants.

Attachment 3 is a list of “frequently asked questions” and appropriate responses for implementing this policy.

Limitations

Even with the most effective, state-of-the-art onsite mitigation, oil, gas, geothermal and energy right-of-way authorizations can result in impacts to the environment. The BLM will mitigate onsite impacts to the maximum extent practicable. Offsite mitigation is only appropriate when the specific conditions of a proposed project make such mitigation appropriate.

While the voluntary application of offsite mitigation is the general rule, there are circumstances where negotiation would be appropriate. In cases where one or more applicants in a specific geographic location have volunteered to perform offsite mitigation, it could be appropriate for other applicants in the same area to apply the same or similar offsite mitigation.

Timeframe: This IM is effective upon issuance. In instances where NEPA documentation is near completion for an action (e.g., preliminary Draft Environmental Impact Statement (EIS) is in the final stages of review), implementation of this policy may be modified to fit the specific circumstances so as not to delay publication of the EIS and approval of the project(s).

Budget Impact: None at this time.

Energy Impact: This IM may result in some increased costs to oil and gas and geothermal lessees, permittees, and operators and energy right-of-way holders. Because these parties would usually enter into offsite mitigation agreements voluntarily and with full knowledge of associated costs, it is unlikely that this policy would have any material adverse impact on energy supply, distribution, or use.

Manual/Handbook Sections Affected: None.

Coordination: Preparation of this IM was coordinated with WO-200, WO-300, WO-310, WO-350 and the Office of the Solicitor.

Contact: Tom Hare (WO-310) at 202- 452-5182, Ron Montagna (WO-350) at 202-452-7782, or Andrew Strasfogel (WO-210) at 202- 452-7723.

Signed by:
Kathleen Clarke
Director

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

3 Attachments

- 1 - Definitions (1 p)
- 2 – Departmental Compensatory Mitigation Programs (1 p)
- 3 - Frequently Asked Questions (4 pp)

Definitions

Compensatory Mitigation: As defined by CEQ, this means compensating for the impact by replacement or providing substitute resources or environments. This offsite mitigation can be immediately adjacent to the area impacted but can also be located anywhere in the same general geographic area. It does not have to be juxtaposed.

Mitigation: The CEQ defines mitigation to include: (a) avoiding; (b) minimizing the impacts by limiting the magnitude or degree; (c) rectifying the impact by repairing, rehabilitating, or restoring; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments.

In-lieu-fee Mitigation: Payment of funds to a natural resource management entity (e.g., an agency or third-party organization) for implementation of specific projects designed to replace or substitute resources impacted by an authorized project. For the purposes of this Instruction Memorandum, its use would always require a formal agreement among affected parties and BLM.

In-kind Compensatory Mitigation: Replacement or substitute resources that are of the same type and kind as being impacted. For example, replacement with sagebrush habitat of the same general quality and species compensation as is being impacted by the project.

On-site mitigation: Mitigation of the actual area affected by the action causing the impact. For a comparative example, the reclamation of an abandoned well pad is onsite mitigation; compensatory mitigation in another area to offset the loss of vegetation during the life of that same well pad is defined as offsite mitigation.

Out-of-kind: Replacement or substitute resources that, while related and of a different quality, species mix, or even species type, are of equal or greater overall value to the ecology of the impacted species or ecological region. Example: Replacement of lost sagebrush with improved grazing practices on related habitat but not of the exact type and species mix. The net ecological values may be the same or better, but the acreages and species composition of the habitat would be substantially different.

Departmental Compensatory Mitigation Programs

Within the Department, the Fish and Wildlife Service (FWS) developed a formal mitigation policy as published on January 23, 1981, in the Federal Register (46 FR 7656). Compensatory mitigation is an integral part of that policy primarily as a means of habitat replacement, enhancement of in-kind habitats, or any combination of these and other impact-mitigating measures. Compensation of impacts can be either on- or off-site. The authorities for this policy span numerous Acts and Executive Orders, including mineral development statutes such as the Mineral Leasing Act of 1920, the Geothermal Steam Act of 1970 and the Surface Mining Control and Reclamation Act of 1977.

To address wetland impact mitigation through a structured program commonly referred to as “wetland banking,” the Department promulgated “Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks” on November 28, 1995, in the Federal Register (60 FR 58605). This policy was developed in cooperation with the Environmental Protection Agency (EPA), Natural Resources Conservation Service (NRCS), and the National Oceanic and Atmospheric Administration (NOAA) to address wetland impact mitigation through a structured program commonly referred to as “wetland banking.” It represents a rather extensive means of onsite, offsite, in-kind and out-of-kind mitigation, as well as in-lieu-fee mitigation arrangements, all designed to compensate unavoidable wetlands losses.

Frequently Asked Questions

Q. “Can you provide an example of how compensatory mitigation could be applied to oil and gas operations?”

Response: A small oil and gas field has been operating for 20+ years without much change. However, over the next 10 years it is expected to expand several times its current size with many more wells, roads, and related infrastructure and with an increase in vehicular use (both public and private). Major residual impacts to crucial wildlife winter range are expected to remain even after best management practices are implemented.

Some compensatory mitigation options could include any combination of the following:

- A mitigation fund could be established in which all operators contribute. This fund could be held by the BLM or another party to be later used for specific on-the-ground mitigation projects. The projects could take several forms and include, for example, habitat enhancement in the same or general area. These projects could be located on public, private or State lands. (Note: This would require prior State Director approval before implementation.)
- Operators could choose to develop and implement offsite projects on their own, after BLM has determined that they in fact accomplish the needed mitigation.
- Critical habitats could be purchased and managed for the species of concern. These purchases could be made directly by the operators or by BLM using a mitigation fund.

Q. “How could compensatory mitigation apply to a wind energy right-of-way project on public lands?”

Response: A wind energy project is proposed on public lands that involves numerous wind turbines in excess of 200 feet in height along an exposed ridgeline, with access roads, electric transmission lines, and support facilities. Residual impacts to wildlife habitat from surface disturbance related to the facilities and visual resource impacts from the wind turbines are expected to remain even after best management practices are implemented.

Some compensatory mitigation options could include any combination of the following:

- The right-of-way holder could develop and implement offsite wildlife habitat improvement projects with the approval of BLM.
- Critical habitats or conservation easements could be purchased and managed for wildlife species of concern. These purchases could be made directly by the right-of-way holder or by BLM using contributed funds.
- The right-of-way holder could pursue rehabilitation, reclamation, or removal of existing disturbances or visual intrusions in the landscape setting to reduce the overall cumulative visual resource impacts in the area. This could involve the reclamation of existing unnecessary roads in the area, removal of abandoned buildings or other structures, cleanup of illegal dumps or trash, or the rehabilitation of existing erosion or disturbed areas.

- A mitigation fund could be established by the right-of-way holder for use by the BLM or the State game and fish department for on-the-ground wildlife habitat improvement projects in the general area. These projects could be located on public, private, or State lands. A formal cooperative agreement is required between the parties and must be approved by the State Director.

Q. "If an applicant submits a permit or right-of-way application, can he or she offer to pay a "damages" fee, and then proceed with the project as planned?"

Response: The short answer is "no." The BLM will not accept direct cash payment as a replacement of on-the-ground mitigation of impacts. However, Departmental policy does allow for collection of funds where those funds are used to improve, restore, or replace like habitats as part of a formal, structured agreement to implement a mitigation strategy determined effective in a NEPA document. The BLM has mandatory fiduciary requirements for the collection and use of such received funding (see Manual Handbook 1511-1).

Q. "As follow up to the above question, can the BLM accept an applicant's voluntarily proposed damage payments rather than do on-the-ground mitigation as is sometimes done on private lands?"

Response: No. The BLM always requires onsite mitigation of impacts using best management practices to the extent practicable. Cash payments to avoid onsite mitigation are not to be accepted and are not in accordance with Departmental or Bureau policy. However, in-lieu fee payments into a fund for mitigation projects can be an approved mechanism of compensatory mitigation. This would require a series of prior steps to be approved. As a minimum, the impact mitigation would have to be analyzed in a NEPA document; a cooperative agreement would have to be established between the BLM and affected parties; and a clear procedure developed for the use of such funds for on-the-ground development of compensatory mitigation projects directly related to cumulative or individual project impacts.

Q. "Does this compensatory mitigation policy apply to range projects developed by the BLM and funded by the 8100 accounts?"

Response: No. Range projects and other Bureau programs are not subject to this compensatory mitigation policy IM.

Q. "Does this policy apply to special recreation permits or other authorizations not related to oil and gas, geothermal, or energy rights-of-way?"

Response: No. At the current time, this policy only applies to oil, gas, or geothermal authorizations or energy rights-of-way. Expansion of the policy to other programs may be considered in the future.

Q. "How does the compensatory mitigation policy apply to impacts to cultural sites?"

Response: Consultation with the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation guides any possible use of compensatory mitigation. Those consultation efforts will determine if and when compensatory mitigation is to be considered.

Q. "Does the BLM anticipate this new policy will result in a structured policy similar to the wetlands banking process?"

Response: No.

Q. "How does this policy IM apply to replacement habitat off site?"

Response: When selecting lands or resources as replacement or substitute, the lands must be located so as to protect, restore, or enhance the impacted resources. To protect any investments made as a compensatory mitigation measure, the land ownership (including lease rights) must be generally sufficient for the term of the impact and free from encumbering prior rights. It is very important that lands selected not become encumbered by a compensatory mitigation measure that would preclude or substantially affect existing rights. When compensatory mitigation occurs on non-Federal land, there must be a legally enforceable method to assure that mitigation measures would remain in place and that mitigation measure effectiveness would not be compromised until the mitigation objectives are reached. This latter point may require binding agreements with the parties involved to avoid loss of impact mitigation.

Q. "How does compensatory mitigation apply to Visual Resource Management (VRM)?"

Response: Compensatory mitigation can be considered when it is not possible to design or mitigate a project sufficiently to meet VRM classes. This could take the form of actual rehabilitation of existing disturbance or development where such remedial actions would reduce the overall cumulative impacts to the visual resources of a particular setting.

Q. "Does off-site mitigation affect the unnecessary and undue degradation provision of FLPMA?"

Response: While the offsite mitigation proposal may be used for NEPA analysis, BLM still has an obligation to ensure that an approved action does not result in unnecessary or undue degradation of public land resources.

Q. "Does compensatory mitigation include direct payments or compensation to the livestock permittee for loss of grazing uses on a grazing permit?"

Response: No. The BLM and Federal courts have consistently held that livestock grazing is a privilege and not a right. When a grazing permit or lease is reduced for whatever reason, no monetary compensation is provided by the BLM or any other BLM permittee. The only time compensation is referenced at 43 CFR 4120.3-6(c), which states in part:

"Whenever a grazing permit or lease is cancelled...the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein."



APPENDIX F

APPLICANT COMMITMENT LETTER FOR COOPERATIVE AGREEMENT



April 27, 2005

Wendy Reynolds
Field Office Manager
Bureau of Land Management
15 East, 200 South
Burley, Idaho 83318

Re: Voluntary Compensatory Mitigation Fund Contribution – Cooperative Agreement

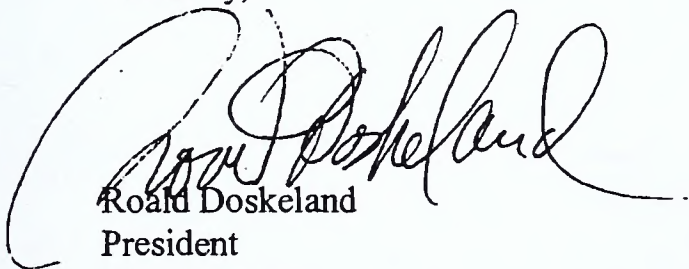
Dear Ms. Reynolds:

This letter is written to document our intent to enter into a Cooperative Agreement with the Bureau of Land Management for a compensatory mitigation fund related to the proposed Cotterel Mountain Wind Energy Project.

Understanding that BLM Washington Office Instruction Memorandum 2005-069 (Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy Rights of Way Authorizations) allows for a voluntary contribution, Windland, Inc. expects to execute a such a Cooperative Agreement with BLM. We intend the annual contribution to be in an amount equal to approximately one-half of one percent of the gross revenues received from Cotterel Mountain wind farm electricity sales. For a 200 megawatt Cotterel Mountain wind farm that contribution is expected to average approximately \$150,000.00 per year at today's forecasted production and electricity rates.

Of course, such a Cooperative Agreement would only become effective upon the project actually being approved, constructed and generating electricity.

Sincerely,

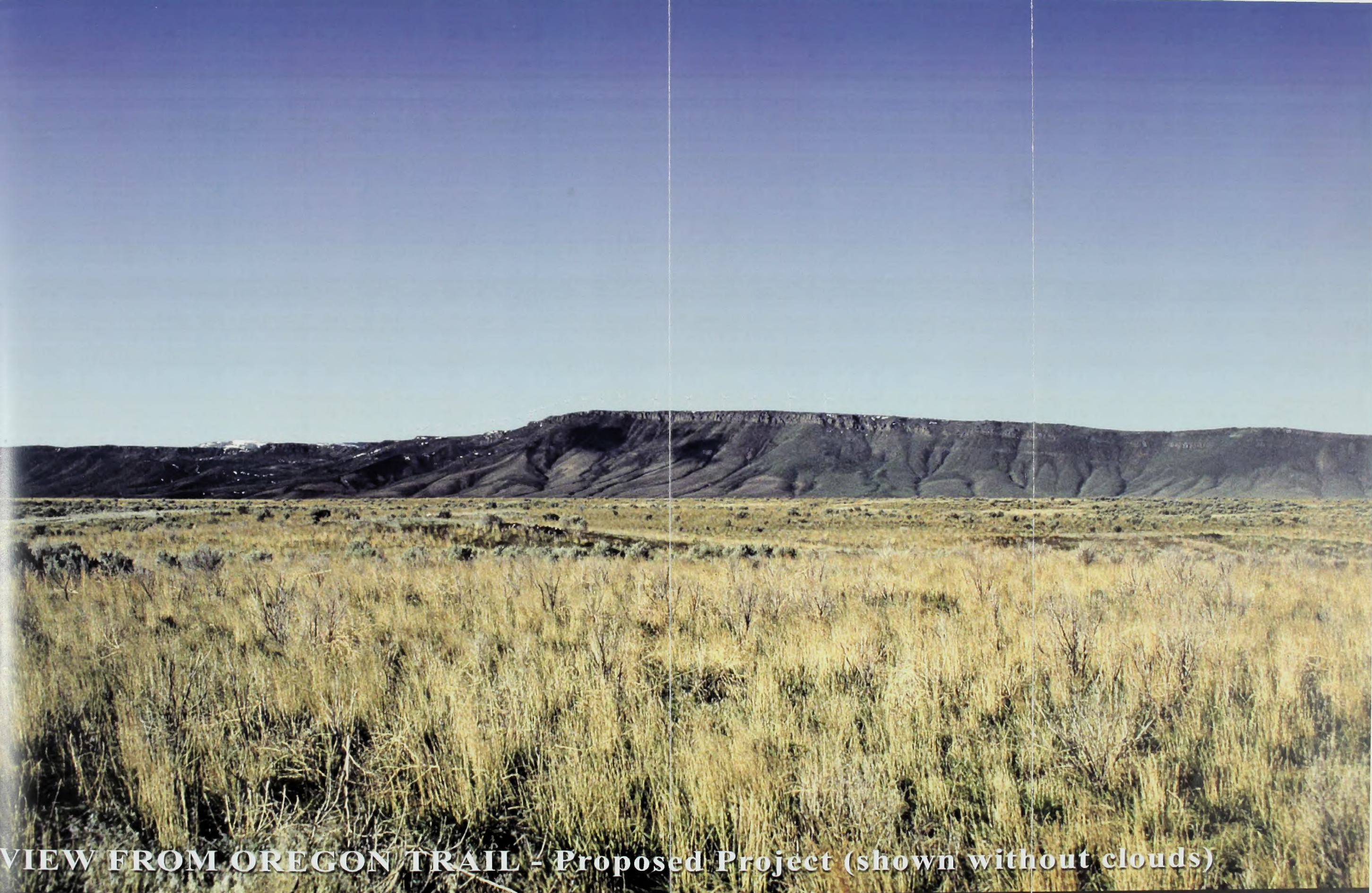


Roald Doskeland
President
Windland, Inc.



APPENDIX G

VISUAL SIMULATIONS



VIEW FROM OREGON TRAIL - Proposed Project (shown without clouds)



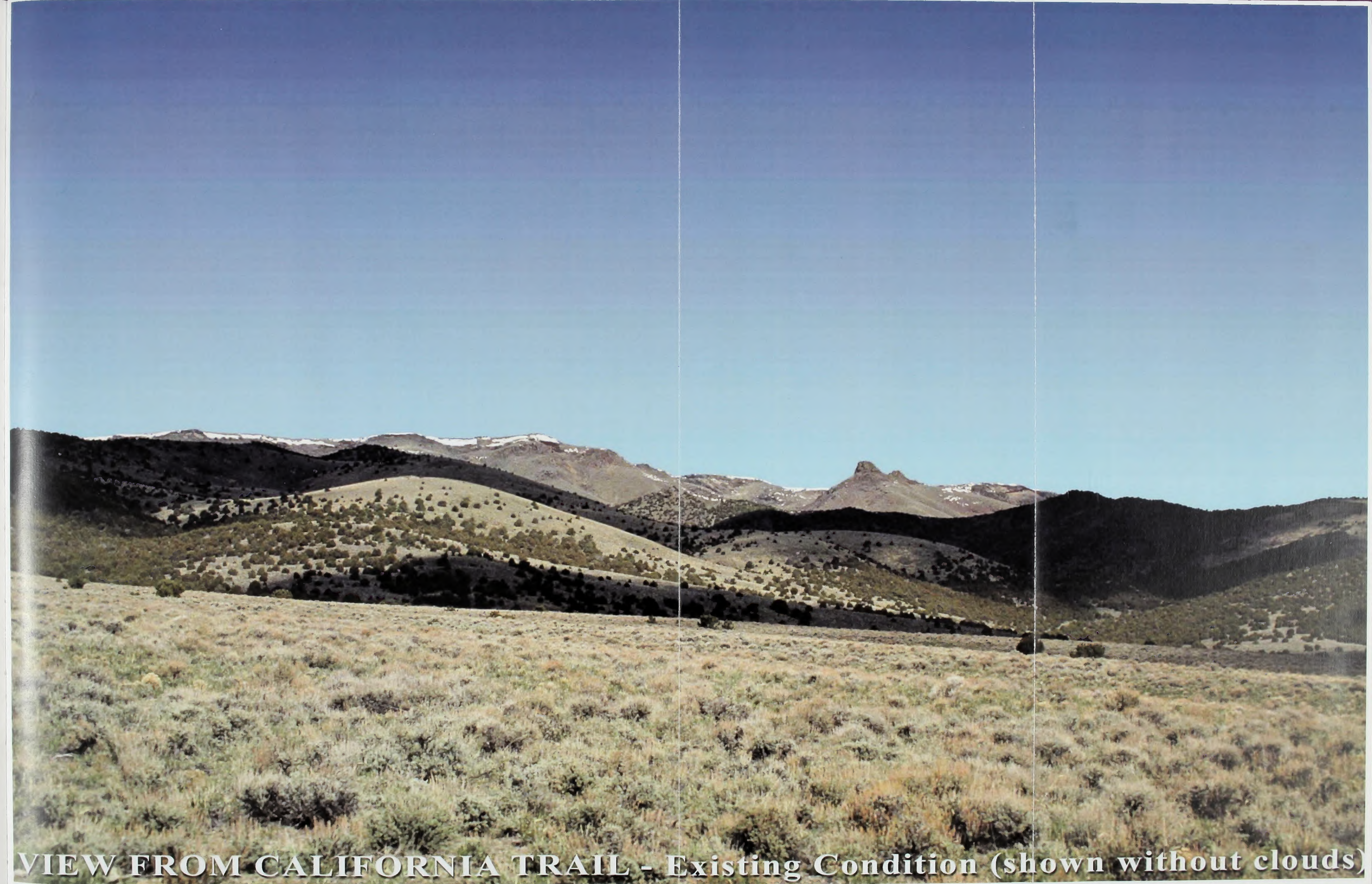
VIEW FROM OREGON TRAIL - Existing Condition (shown without clouds)



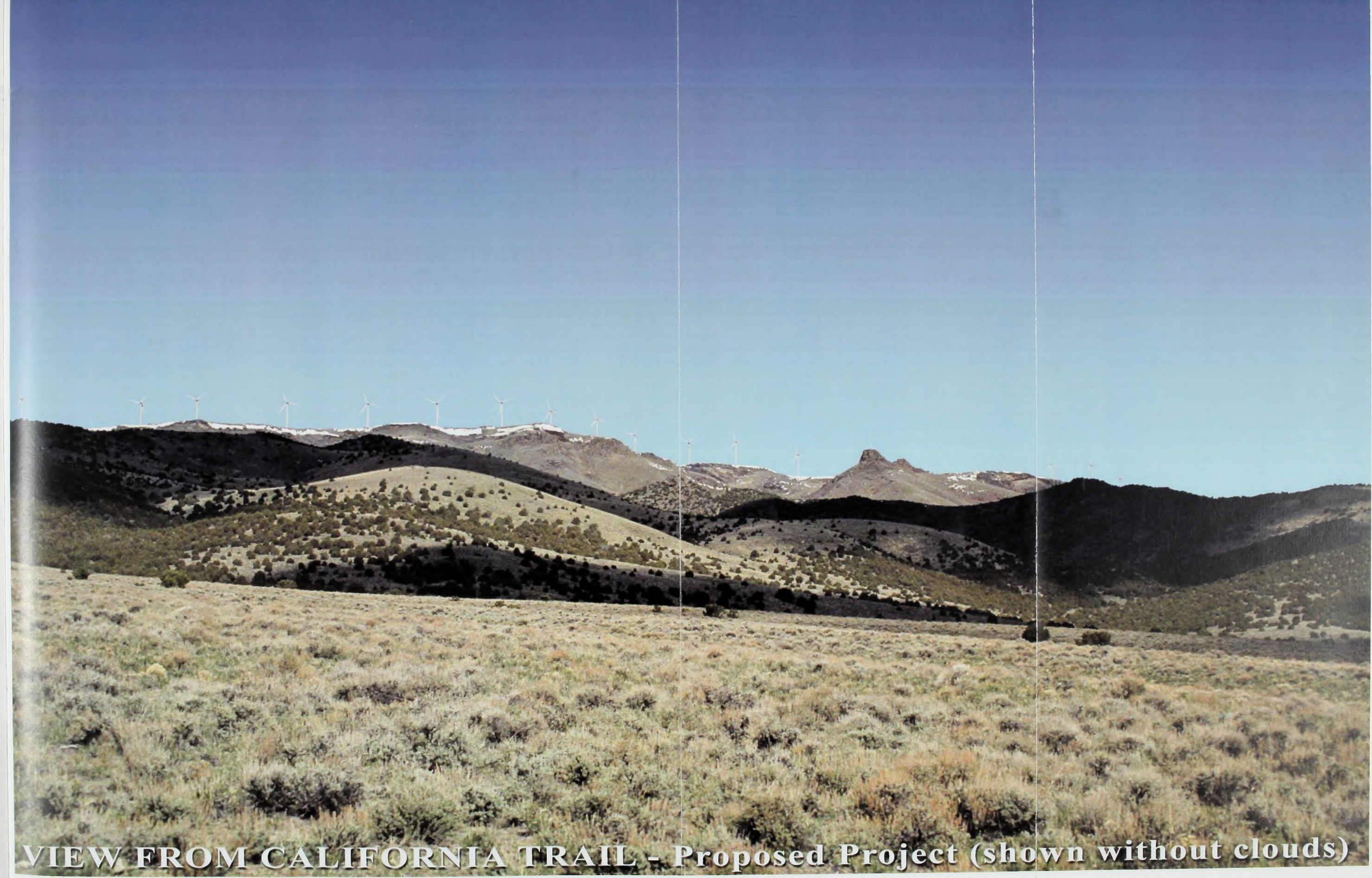
VIEW FROM BLM OFFICE - Existing Condition



VIEW FROM BLM OFFICE - Proposed Project



VIEW FROM CALIFORNIA TRAIL - Existing Condition (shown without clouds)



VIEW FROM CALIFORNIA TRAIL - Proposed Project (shown without clouds)



VIEW FROM CANYON ROAD OVERLOOK (EXISTING)- ROAD TO POMERELLE, IDAHO



VIEW FROM CANYON ROAD OVERLOOK (PROPOSED) - ROAD TO POMERELLE, IDAHO



VIEW FROM MARSH CREEK EVENT CENTER (EXISTING) - ALBION, IDAHO



VIEW FROM MARSH CREEK EVENT CENTER (PROPOSED) - ALBION, IDAHO



APPENDIX H

COMMENTS AND RESPONSES

Comments specific to the

**PROPOSED COTTEREL WIND POWER PROJECT
DRAFT ENVIRONMENTAL IMPACT
STATEMENT AND CASSIA RESOURCE
MANAGEMENT PLAN AMENDMENT**

June 24, 2005 through September 22, 2005

1.1 INTRODUCTION

On December 19, 2002, the BLM published a Notice of Intent (NOI) to prepare an EIS for the full project proposal in the Federal Register (Appendix A). The NOI identified the proposed Cotterel Wind Power Project (Proposed Project) area and location as well as BLM's intention to hold agency and public scoping meetings. The initial scoping period ran for 60 days and concluded on February 21, 2003. Three public scoping meetings were held in the towns of Albion on January 7, 2003; Burley on January 8, 2003; and Boise, Idaho on January 9, 2003.

All written and verbal comments received on the proposed project prior to the publication of the Draft EIS were considered in the preparation of the Draft EIS. On July 1, 2005 a Notice of Availability (NOA) was published in the Federal Register and the Draft EIS was made available to the public. The publishing of the NOA in the Federal Register marked the beginning of the 90-day public comment period on the Draft EIS. During the comment period, interested parties were invited to submit comments on the Draft EIS to the BLM. Public meetings were held to describe the content of the Draft EIS and to receive comments. Meetings were held on July 26, 2005 at the Burley High School, Burley, Idaho, July 27, 2005 at the Marsh Creek Event Center in Albion, Idaho, and July 28, 2005 at Boise High School, Boise Idaho.

Following the public comment period, the Draft EIS was revised to generate a Final EIS. The Final EIS incorporates revisions to the Draft EIS made in response to comments submitted during the 90-day public comment period and other minor modification to provide additional information or clarification where deemed applicable by the BLM. During the public comment period 72 written comments were received by the BLM via comments forums at the public meetings, mail, email, and facsimile. The appendix provides the comments that were submitted during the 90-day public comment period and responses to those comments where applicable.

1.2 COMMENTS AND RESPONSES

The comments provided address numerous issues, some related to the adequacy of the DEIS however most comments were opinions concerning the Proposed Project or its impacts which do not pertain to the adequacy of the DEIS. The following list is some of the issues for which comments were submitted.

- Impacts on springs and wells
- Impacts on migratory birds, raptors, and bats
- Impacts on sage-grouse
- Expansion of noxious weeds
- Impacts to big game including deer and bighorn sheep winter range
- Impacts on other wildlife and wildlife habitat
- Increased roadway traffic
- Increased human activity
- Impacts on visual resources and aesthetics

- Impacts to the surrounding communities
- Impacts from noise
- Impacts on property values
- Alternatives considered

Each of the comment letters or forms received or comment forms received during the 90-day public comment period was assigned an identification number. These documents were reviewed and divided into individual comments, with each comment containing a single theme or concern. Individual comments and the responses to them were assigned corresponding numbers. Each numbered comment document is the submittal of a single individual or organization. The number consists of two parts. The first part is the number of the document and second is the number of the comment. Thus comment 3A refers to the first comment of comment letter #3. To aid the reader and commentators, comments have been reproduced in the Appendix together with corresponding responses on the same pages.

- CEQ regulations provide five possible methods for responding to comments:
- Make corrections.
- Modify the proposed action or alternatives.
- Develop and evaluate new alternatives.
- Supplement, improve, or modify analyses.
- Explain why no further response is necessary.

Every comment received a response; however, not every line of every letter was considered part of a comment. Section of the comment documents that did not directly address the Draft EIS were not considered comments and did not receive individual responses. For example, many of the comment letters contained introductory material that was not a comment regarding the Draft EIS. This section required no specific response and was not marked as comments. Comments that do not pertain to analysis within the scope of the Draft EIS or the adequacy of the Draft EIS under NEPA are typically identified as such and do not require response under NEPA. In some cases, the text of the Draft EIS has been modified in the Final EIS to address the concerns of the commenter. Where this was necessary, it is noted in the response to the comment.

Copies of the comments received on the Draft EIS and responses to those comments are provided on the following pages.

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
6/21/05	1	Byron Schmidt Chief, Airspace Management Mountain Home AFB, ID Com 208-828-4722 byron.schmidt@mountainhome.af.mil	A	email		1
6/23/05	2	Michael Christensen 182 N Meridian Rupert, ID 83350 Home - 208-436-6857 Bus - 208-436-6213	P	Letter		2
6/23/05	3	Robert Christensen 609 19th Street Rupert, ID 83350 Home - 208-436-1394 Bus - 208-436-6213	P	Letter		3
6/23/05	4	Louise Christensen 182 N. Meridian Rupert, ID 83350 Home - 208-436-6857 Bus - 208-436-6213	P	Letter		2
6/27/05	5	Bruce Newcomb , Speaker of the House of Representatives, State of Idaho Robert L. Geddes , President Pro Tem, Idaho State Senate Room 309 - Statehouse PO Box 83720 Boise, ID 83720-0038 208-332-1111 Fax 208-334-2491	A	Letter		2
7/1/05	6	Don and Donna Hanford Twin Falls, Idaho dondonna@cableone.net	P	email		2

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
7/13/05	7	B. Sachau 15 Elm Street Florham Park, NJ 07932 Bk1492@aol.com	P	email		1
7/19/05	8	Tammy Lien PO Box 514 Albion, ID 83311 tlien@atenet.net	P	email		1
7/21/05	9	Lee Kreutzer Cultural Resources Specialist USDI National Park Service National Trails System 324 South State Street, Suite 200 Box 30 Salt Lake City, UT 84111	A	Letter		2
7/24/05	10	Mike/Jen March 208-734-6334 mjmarsh@cableone.net	P	email		1
7/26/05	11	Nick Rokich Box 126 Burley, ID 83318	P	Burley Public Meeting Comment Form		1
7/27/05	12	Bruce Bristol 7795 Highway 77 Albion, ID 83311	P	Albion Public Meeting Comment Form	N	1
7/27/05	13	Jay L. Black 2652 Elba Almo Highway Box 103 Almo, ID 83312	P	Albion Public Meeting Comment Form	N	1
7/27/05	14	Kurt Catmull Box 131, 120 N. St. Albion, ID 83311	P	Albion Public Meeting Comment Form	N	1

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
7/27/05	15		P	Albion Public Meeting Comment Form	Y	1
7/27/05	16		P	Albion Public Meeting Comment Form	Y	1
7/27/05	17		P	Albion Public Meeting Comment Form	Y	1
7/27/05	18	William Loughmiller 1577 E. 1740 S. Malta, ID 83342 agpro@atcnct.net	P	Albion Public Meeting Comment Form		1
7/27/05	19	Colleen Loughmiller 1577 E. 1740 S. Malta, ID 83342	P	Albion Public Meeting Comment Form	N	1
7/27/05	20	Dean Richins 260 W. Market Albion, ID 83311	P	Albion Public Meeting Comment Form	N	1
7/27/05	21		P	Albion Public Meeting Comment Form	Y	1

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
7/27/05	22	Cheryl Murphy 336 Harper Ave. Albion, ID 83311	P	Albion Public Meeting Comment Form	N	1
7/27/05	23	Stan Lloyd 2270 S - Elba Almo Highway Elba, ID 83342	P	Albion Public Meeting Comment Form	N	1
7/27/05	24	Keith Amende Box 157 Albion, ID 83311	P	Albion Public Meeting Comment Form	N	1
7/27/05	25		P	Albion Public Meeting Comment Form	Y	1
7/27/05	26	Jack Benner PO Box 54. 1100 E 950 S Albion, ID 83311 Buck@atenet.net	P	Albion Public Meeting Comment Form	N	2
7/27/05	27	Robert Murphy 336 Harper Avenue Albion, ID 83311 murphy@atenet.net	P	Albion Public Meeting Comment Form	N	2
7/27/05	28	Curtis & Michelle Richins 284 West Market Albion, ID 83311	P	Albion Public Meeting Comment Form		2

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
7/28/05	29		P	Boise Public Meeting Comment Form	Y	1
7/28/05	30	Jill and Thaddeus Weigel 2901 Tartan Place Boise, ID 83702 jeweigel@att.net	P	Boise Public Meeting Comment Form	N	1
7/29/05	31	Ken Sanders 1337 Holly Drive Twin Falls, ID 83301	P	Letter		1
7/29/05	32	Jon Fillmore Box 151 Albion, ID 83311	P	Letter		2
8/2/05	33	James F. Devine Senior Advisor for Science Applications USDI, US Geological Survey Mail Stop 423 2800, IDI-33676 (ID220) Reston, VA 20192	A	Letter		2
8/2/05	34	Kenneth Clausen 4326 Nystrom Way Boise, ID 83713	P	Letter		1
8/16/05	35	Arlene Smyer 1300 E. 1030 S. Albion, ID 83311 kasmyer@atnet.net	P	Mailed in on a Public Meeting Comment Form	N	2
8/16/05	36	Debbie Matsen 20 N. 950 E. Deelo, ID 83323	P	Mailed in on a Public Meeting Comment Form	N	1

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
8/16/05	37		P	Mailed in on a Public Meeting Comment Form	Y	1
8/21/05	38	Katie Fite Western Watersheds Project (WWP) PO Box 2863 Boise, ID 83701 kfite@juno.com	SI	email		1
8/23/05	39	Kevin A. Larson 1852 W. 16th Burley, ID 83318 208-678-8432	P	Letter		1
8/25/05	40	Katie Fite Biodiversity Director Western Watersheds Project (WWP) PO Box 2863 Boise, ID 83701 kfite@juno.com	SI	Letter		40
8/26/05	41	Jim Powers General Manager Raft River Rural Electric Coop., Inc. Raft River Division 250 N. Main, PO Box 617 Malta, ID 83342 208-645-2211 Fax 208-645-2300	SI	Letter		1
8/28/05	42	Johnny C. Marilyn McGill PO Box 43 Rupert, ID 83350	P	Letter		2
8/31/05	43	Donald L. Rose Supervisory Environmental Protection Specialist - KEC-4 Department of Energy Bonneville Power Administration PO Box 3621 Portland, OR 97208-3621 503-230-3796	A	Letter		2

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
9/13/05	44	Ryan Newman	P	Letter		7
9/13/05	45	Rick Redman, General Manager ATC Communications 225 West North Street PO Box 98 Albion, ID 83311 208-673-5335 208-673-6200 ate@albiontel.com rich@atenet.net	SI	Mailed in on a Public Meeting Comment Form with letter attached	N	5
9/15/05	46	James A. Mosher, Executive Director North American Grouse Partnership PO Box 408 Williamsport, MD 21795 Office/Fax 301-223-1533 www.grousepartners.org	SI	Letter		6
9/15/05	47	North American Grouse Partnership PO Box 408 Williamsport, MD 21795 Office/Fax 301-223-1533 www.grousepartners.org	SI	Letter		4
9/16/05	48	Kelly B. Adams, Chairperson Twin Falls District Resource Advisory Council (RAC)	A	Letter		2
9/16/05	49	Kelly Adams PO Box A Burley, ID 83318	P	Letter		2
9/19/05	50	David J. Ryzak 617 E. 18th Way Burley, ID 83318	P	Letter		1
9/19/05	51	John Robison Conservation Associate Idaho Conservation League PO Box 844 Boise, ID 83701 208-345-6933 Fax - 208-344-0344	SI	Letter		10

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
9/19/05	52	J. Kent Marlor, PhD, President Idaho Wildlife Federation PO Box 6426 Boise, ID 83707 208-342-7055 Fax 208-342-2366 www.idahowildlife.org IWF@idahowildlife.org	SI	Letter		5
9/20/05	53	Jeff Cook Outdoor Recreation Analyst Comprehensive Planning, Research and Review Idaho Department of Parks and Recreation PO Box 83720 5657 Warm Springs Avenue Boise, ID 83720-0065 208-344-4199 Fax 208-334-3741 www.parksandrecreation.idaho.gov	A	Letter		2
9/20/05	54	George and Gwen Montgomery 937 S. 900 E. Albion, ID 83311 208-673-6644	P	Letter		3
9/20/05	55	Tom Geary 964 S 950 E Albion, ID 83311	P	Mailed in on a Public Meeting Comment Form		2
9/21/05	56	Ken Crane Range Program Manager State of Idaho Department of Agriculture Division of Animal Industries 2270 Old Penitentiary Road PO Box 7249 Boise, ID 83707 208-332-8540	A	Letter		4

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
9/21/05	57	Mark and Debora Grigg PO Box 7 Albion, ID 83311	P	Faxed Letter		1
9/21/05	58	Jeff Chatburn 850 S. 1275 E. Albion, ID 83311	P	Mailed in on a Public Meeting Comment Form		2
9/21/05	59	Jamie Lynn Chatburn 850 S. 1275 E. Albion, ID 83311	P	Mailed in on a Public Meeting Comment Form		2
9/21/05	60	Tammy Chatburn 850 S. 1275 E. Albion, ID 83311	P	Mailed in on a Public Meeting Comment Form		2
9/21/05	61	Odeen and Darla Redman 1077 So. Hwy 77 Albion, ID 83311 208-673-5353 odeen@atenet.net	P	Mailed in on a Public Meeting Comment Form with letter attached.		3
9/22/05	62	David Parrish Magie Valley Regional Supervisor Idaho Fish and Game Magie Valley Region 319 South 417 East Jerome, ID 83338 208-324-4359 Fax 208-324-1160 http://www.state.id.us/fishgame	A	Hand Delivered Letter		12

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
9/22/05	63	Christine B. Reichgott, Manager NEPA Review Unit USEPA, Region 10 Attn: ETPA-088 1200 Sixth Avenue Seattle, WA 98101 Mr. Theogene Mbabaliye 206-553-6322 mbabaliye.theogene@epa.gov	A	Letter		4
9/22/05	64	Ina DiGrazia Albion, ID	P	Faxed Letter		2
9/22/05	65	Margo Saunders, MD Earl L. Warthen - "PLC" PO Box 145 Albion, ID 83311	P	Mailed in on a Public Meeting Comment Form with a letter to the editor attached.		3
9/23/05	66	Roald Doskeland President Windland, Inc. 10480 Garverdale Court, Ste 804A Boise, ID 83704 208-377-7777 Fax 208-375-2894	Applicant	Letter		28
9/26/05	67	Jeff Foss, Field Supervisor USDI, Fish & Wildlife Service Snake River Fish and Wildlife Office 1387 S. Vinnell Way, Room 368 Boise, ID 83709 208-378-5243 http://idahoES.fws.gov	A	Letter		17
9/22/05	68	Linda and Gary Leach 1096 E 1000 S Albion ID 83311 208-673-6254	P	Letter	N	1

DRAFT EIS COMMENTORS

Date Received	Letter #	Commentor	Commentor Type*	Method of Comment	Withhold Name?	# of Pages
No Date	69	Jim Wahlgren 1225 E 1040 S Albion ID 83311 wahlgren@atenet.net	P	Letter	N	2
No Date	70	Lois Darlene Wahlgren 1225 E 1040 S Albion, ID 83311	P	Letter	N	1
9/21/05	71	Jeff & Carey Leach Albion, ID 83311 208.673.6233	P	Letter	N	3
No Date	72	Kent L. Christopher	P	Letter	N	3

COMMENTS

Letter #1



"Schmidt Byron L Civ 386
OSS/OSRS"
<Byron.Schmidt@mountainhome.af.mil>
06/21/2005 08:06 AM

To <ld_cottarewind@blm.gov>
cc "Keutzmenn Duey J Lt Col 366 OSS/OSO"
<duey.keutzmenn@mountainhome.af.mil>
bcc
Subject DEIS

Mr. Barker,

My name is Byron Schmidt, and I am the Chief, Airspace Management at Mountain Home AFB. I was made aware of the Federal Register notification of the Draft EIS (DEIS) for Cassia County and I made a sincere attempt to look at the DEIS at <http://www.ld.blm.gov/planning/cottarel>. Unfortunately, the site was not available, so I thought I would let you know, if you don't already. Having said that, my office would like to form a cooperative working relationship with the BLM on any proposals to erect wind generating equipment on BLM land. There may, or may not be factors related to our airspace use that I would, at the very least, like to front to the contractors before any construction is contemplated in whatever location. I anticipate a good discussion of the issues with the proponents involved. I have already closed the loop with Mr. Tom Noll at Idaho Power on this as well, and a consortium of players involved in discussion of the issues would be beneficial to all in this early stage of wind power development in Idaho. I thank you in advance for your consideration and look forward to additional contact with your office. Take care.

Byron Schmidt
Chief, Airspace Management
Mountain Home AFB, ID
Com. 208-828-4722
byron.schmidt@mountainhome.af.mil

RESPONSES

- A. BLM is and will continue working with Mountain Home AFB on the Cottarel Wind Power Project and other proposed wind power projects on BLM managed lands.

COMMENTS

Letter #2



THIS FAX IS FROM

Christensen Machine Inc.

301 Centennial Dr.

Heyburn, Id. 83336

Phone (208)436-6213, (208)436-6515

Tel/Fax(208)436-6857

Date: 6/23/2005

Time: 2:02 PM

Please deliver this fax to:

Name: Wendy Reynolds or Scott BarkerCompany: Burley Field OfficeFax Number: (208) 677-6699Message From: LouiseNumber of pages 2 including cover sheet.

Message: Letter of support for Windland, Inc. wind project

Thank You,
Michael ChristensenRESPONSES

COMMENTS

Letter #2 (continued)

June 23, 2005

Scott Barker, or Wendy Reynolds,

[
A As a Mini-Cassia area citizen, and a business owner I would like to go on record as being in favor of the development of the wind project on Cotterell mountain. I am also in favor of the EIS alternative that would allow Windland to build as they have proposed.

I believe that the development of wind power in our area will be of great economic stimulus for the local economies.

Thank you for your consideration.



Michael Christensen
182 N Meridian
Rupert, ID 83350

208-436-6857 home

208-436-6213 bus.

RESPONSES

A. Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #3



THIS FAX IS FROM
Christensen Machine Inc.
301 Centennial Dr.
Heyburn, Id. 83336
Phone (208)436-6213, (208)436-6515
Tel/Fax(208)436-6857

Date: 6/23/2005Time: 1:40 PM

Please deliver this fax to:

Name: Wendy Reynolds or Scott BarkerCompany: Burley field officeFax Number: (208) 677-6692Message From: RobertNumber of pages 2 including cover sheet.

Message: Letter of support for Windland, Inc. wind project.

Thank You,
Robert Christensen

RESPONSES

COMMENTS

Letter #3 (continued)

A. 1. 5. 1.

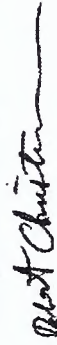
June 23, 2005

Scott Barker, or Wendy Reynolds,

[A] As a Mini-Cassia area citizen, business owner, and a City Councilman for the City of Rupert I would like to go on record as being in favor of the development of the wind project on Cotterell mountain. I am also in favor of the EIS alternative that would allow Windland to build as they have proposed.

I believe that the development of wind power in our area will be of great economic stimulus for the local economies.

Thank you for your consideration,



Robert Christensen
609 19th Street
Rupert, Idaho 83350

208-436-1394 home

208-436-6213 bus.

RESPONSES

- A. Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #3 (continued)

RESPONSES

Nibbs-Crock

Comment
 Rick LeMaster. 430-6213
 so a village/business owner + city
 councilman in favor of a change
 Windland - most beneficial

COMMENTS

Letter #4



THIS FAX IS FROM

Christensen Machine Inc.
301 Centennial Dr.

Heyburn, Id. 83336

Phone (208)436-6213, (208)436-6515

Tel/Fax(208)436-6857

Date: 6/23/2005Time: 2:01 PM

Please deliver this fax to:

Name: Wendy Reynolds or Scott BarkerCompany: Burley Field OfficeFax Number: (208) 677-6692Message From: LouiseNumber of pages 2 including cover sheet.

Message: Letter of support for Windland, Inc. wind project

Thank You,
Louise ChristensenRESPONSES

COMMENTS

Letter #4(continued)

June 23, 2005

Scott Barker, or Wendy Reynolds,

As a Mini-Cassia area citizen, and a business owner I would like to go on record as being in favor of the development of the wind project on Cottrell mountain. I am also in favor of the EIS alternative that would allow Windland to build as they have proposed.

I believe that the development of wind power in our area will be of great economic stimulus for the local economies.

Thank you for your consideration,

Louise Christensen

Louise Christensen
182 N Meridian
Rupert, ID 83350

208-436-6857 home

208-436-6213 bus.

RESPONSES

- A. Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #5

BRUCE NEWCOMB
ROOM 309 - STATEHOUSE
P.O. BOX 83720
BOISE, IDAHO 83720 - 0038
(208) 332-1111
FAX (208) 334-2491



House of Representatives

State of Idaho

SPEAKER OF THE HOUSE

HOME ADDRESS
P.O. BOX 767
BURLEY, IDAHO 83318
(208) 678-3758

BLM - ID
BURLEY FIELD OFFICE
RECEIVED

2005 JUN 27 PM 12 06

June 24, 2005

Ms. Wendy Reynolds
Field Office Manager
BLM Burley field Office
15 East 200 South
Burley ID 83318

Dear Ms. Reynolds:

We have followed the development of the Cottarel Wind Power Project and this utility-scale electrical generation site has turned out to be the kind of cost-effective project that many of us anticipated. We are in full support of this project for Idaho and agree with the Bureau of Land Management's (BLM) preferred alternative C to advance this project to completion.

After reviewing the Draft Environmental Impact Statement (DEIS) for the Cottarel Wind Power Project we are convinced that the project is well conceived, genuinely collaborative, environmentally sensitive, and cost-effective.

As the BLM takes public comment we wish to voice our support to several of the most salient conclusions we have reached reviewing the DEIS.

First, the DEIS demonstrates the unique qualities of Cottarel Mountain as a wind energy resource. It confirms what has long been recognized; the area ranks among Idaho's windiest places. Moreover, the DEIS substantiates the broader elements that make the site well suited for development -- proximity to transmission, favorable building characteristics of the site, multiple use of public lands, and its limited visual impact.

Second, we agree with BLM pointing out in the DEIS the higher values that should be associated with utility-scale wind power development. While disbursed wind power generation may have appeal in certain select areas, true economies of scale will be captured by larger installations sited at highly-energetic places such as Cottarel Mountain.

Third, the DEIS demonstrates that the protection of sage-grouse habitat, grazing, recreation and wind farm development can be achieved and need not be

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #5 (continued)

mutually exclusive. The BLM, working in conjunction with the applicant and our Idaho agencies, has done a commendable job of identifying the issues and balancing the concerns associated with sage grouse, multiple use, and wind power development on Cottarel Mountain.

The DEIS has been two years in the making. We hope that it sets the stage for a timely and favorable Record of Decision on the application for a Cottarel Wind Power Project. We look forward to the day when the winds along Cottarel Mountain will be put to work producing affordable and dependable Idaho electric power for Idaho consumers.

The diversification of Idaho's electricity portfolio is of great interest to those of us serving in the Legislature. As a result, the Idaho Legislature has taken an active roll and created state policy to support the cost-effective development of renewable energy such as wind. Our recently enacted sales tax exemption is one of the mechanisms we have initiated to advance renewable energy investment in the state on public and private lands.

Thank you for the opportunity to comment on the BLM's DEIS regarding the Cottarel Wind Power Project. We are in full support of this project for Idaho and agree with your preferred alternative C to advance this project to completion.

Sincerely,



Bruce Newcomb
Speaker of the House
Idaho House of Representatives



Robert L. Geddes
President Pro Tem
Idaho State Senate

RESPONSES

COMMENTS

Letter #6



"Don & Donna Hanford"
<dondonna@cableone.net>
07/01/2005 07:14 PM

To <ld_cotterelwind@blm.gov>, <scott_barker@blm.gov>
cc
bcc
Subject Wind Farms

The email is in response to the request for public input for a wind mill power generation facilities. The article that I read in the Twin Falls paper this morning said that the environmental impact statement consisted of 'impact on wildlife and land,' 'public access' and 'visual impact.'

I am a retired engineer and it seems to me that in all the discussion about wind mills, one very important consideration either has not been addressed or at minimum is not being discussed publicly.

As you probably know all Engineers learn in their freshman year that on a practical basis, energy can not be created nor destroyed. This fact is key to my discussion.

When air in the form of wind approaches a wind turbine it has a certain temperature and velocity. Down wind of the wind turbine the air must have a reduced velocity or it must have a reduction of temperature or some combination of both. Generating electrical energy must take energy out of the atmosphere. There is no doubt in my mind that this reduction of wind velocity or temperature will have an impact on the weather patterns. The question is: is it negligible or not. As wind farms get bigger this question become somewhat critical.

If it has not already been done (if it has I haven't heard about it) then wind tunnel tests need to be done to determine what happens to the velocity and temperature of wind down wind of the wind turbine and than the boys with the super computers need to apply that data to their algorithms and estimate the effect of these large wind farms on the weather patterns.

In the past year or two I have heard and read the following.

A Salt Lake TV stations said that the drought in north Utah started in 1999.

The drought in Idaho started in 2000 or 2001

A very large wind farm was initiated in Wyoming in 1999.

Is this change in the weather in the northwest and an initiation of the Wyoming wind farm a coincidence? As an Engineer I was always taught that when there is a problem with a process that you should look for recent change.

I really don't have an axe to grind in this fight. It won't bother me if the wind mills are installed as long as I know that qualified people have looked at it and provided an honest analysis on the effect on weather. It would bother me if the weather in Idaho is modified even a little bit.

RESPONSES

- A. Wind turbine designers have concluded that wind speed is disrupted and turbulence is added from 2600 to 2925 feet downwind of a turbine. No additional disturbance to the wind profile including velocity and temperature changes is known to occur.

COMMENTS

Letter #6 (continued)

This would not be the first time that human beings jumped at something only to find out later that it was a disaster. The Romans ate out of dishes with a lead content and our own Corps of Engineers straiten out the Kissimmee River in Florida to allow planting of orange groves. The result was a change in the weather patterns not only in the Everglades but in central Florida. I understand that they are now in the process of trying to undo this change to the River.

Building dams for hydroelectric power, burning fossil fuel for steam to generate electricity and nuclear fission to generate steam are the common ways to produce electricity. All of them have problem associated with them with politics being the largest. To jump at wind farms without looking at the effects on the atmosphere would be totally irresponsible. The idea that wind farms will have no effect on the environment other than killing some birds, esthetics and public access seems to me wishful thinking. I believe that wind farms are being driven by non-scientific environmentalist and most of the rush to build than is politics.

Personally I'm in favor of nuclear energy, realizing that the general public is afraid as such is politically a difficult if not impossible situation. We can only hope that the fusion plant to be built in France will be successful and that public fears can be reduced.

☐ I would be interested in hearing from you as to what studies have been conducted to quantify the effect of large wind farms on the atmosphere.

Don Hanford
Twin Falls, Idaho

RESPONSES

B. BLM is not aware of any studies that have been conducted to quantify the effects of large wind energy projects on the atmosphere.

COMMENTS

Letter #7



Bk1492@aol.com
07/13/2005 07:28 AM

To: scott_barker@blm.gov
cc: rodney.frelinghuysen@mail.house.gov
id_cottrelwind@blm.gov

bcc:

Subject: public comment on federal register of 6/21/05 vol 70 no 118
pg 35692

usdoi blm id 220 5101 er do25
idi 33676

noa cottrel wind power project deis plan

i definitely oppose larger output wind turbines. i also do not want bird killing from these wind turbines. i hereby ask shell to switch to solar power instead of these murderous bird killing wind turbines, the migratory birds which we are spending much money to protect are pulled in and killed in these murderous machines.

b. eachau
15 elm st
forham park nj 07932

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #8



"lien" <lien@stcnet.net>
07/19/2005 07:45 PM

To <id_cottarewind@blm.gov>

cc

bcc

Subject Comments

Dear Scott Barker,

I would like to comment on the proposed Cottarel Mountain Wind Project. Although at the beginning I did not believe this would be a benefit to our area, but after extensive research, I support this wind project on Cottarel Mountain. It is a great energy source and asset to Ablon and the state of Idaho.

I look forward to the project beginning in Spring 2006.

Thank you,

Tammy Lien
PO Box 514
Ablon, ID 83311

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #9

United States Department of the Interior
 NATIONAL PARK SERVICE
 National Trails System – Salt Lake City
 324 South State Street, Suite 200
 Box 30
 Salt Lake City, Utah 84111



IN REPLY REFER TO:

July 19, 2005

Memorandum

To: Scott Barker, Project Manager
 Bureau of Land Management

From: Lee Kreutzer, Cultural Resources Specialist
 National Trails System, Salt Lake City

Subject: Draft Environmental Impact Statement for Cottarel Wind Power Project

2005 JUL 21 AM 9 28

BLM-10
BURLEY FIELD OFFICE
RECEIVED

Thank you for this opportunity to comment on the draft Environmental Impact Statement for the proposed Cottarel Wind Power Project.

This office of the National Park Service administers the Oregon and California National Historic Trails, segments of which are situated near the Cottarel wind power project area. Table 3.3-2 (NHRP Eligibility for Sites Located within the Proposed Project Area) shows that the Oregon Trail segment is listed on the National Register of Historic Places. Table 3.3-2 does not, however, provide the National Register status of the California National Historic Trail, which passes about 1.5 miles from the southern end of the project area, according to Figure 3.3-1 (Historic Trails). This map indicates that that segment of the California National Historic Trail is intact. It therefore seems likely that the segment would be National Register eligible. If it is "intact" and particularly if original trail ruts or swales are visible, then it becomes important to try to protect trail setting from visual and audible intrusions such as might be presented by wind turbines on a nearby ridge.

Also in the project vicinity is the California Trail Junction and Raft River Crossing site, which is identified as a High Potential Site in the 1999 *Comprehensive Management and Use Plan/Final Environmental Impact Statement* for the California, Oregon, Pony Express, and Mormon Pioneer National Historic Trails. (This plan was developed jointly by the National Park Service, the Bureau of Land Management, and other federal

RESPONSES

- A. The Comprehensive Management and Use Plan does indicate that portions of the California National Historic Trail are intact. However, under the inventories and analysis conducted for this project, no survey of the trail has been completed to determine if trail ruts or swales are visible. Visual effects to the intact portions of the trail could occur from the proposed project. Audible intrusions are unlikely to occur due to the distance (1.5 miles) of the trail from the closest Proposed Project features. See page 4-9 of the Draft EIS

COMMENTS

Letter #9 (continued)

agencies.) It is difficult to determine from the maps provided in the EIS whether the project has any potential to affect the setting of that important trail property, but the possibility should be examined.

We ask that potential effects on National Historic Trail setting be considered for this and future projects, and that alternatives be selected that will minimize impacts to National Register-eligible trail properties within or visible from the project area. For your reference, I will send under separate cover a copy of the *Comprehensive Management and Use Plan*.

Please contact me at (801) 741-1012 ext 118 if this office may be of assistance in providing further trails information.



Lee Kreutzer

RESPONSES

- B. The BLM will complete an analysis of potential effects on the National Historical Trails in the vicinity of the Proposed Project.

COMMENTS

Letter #10



"Mike/Jen March"
<mimarch@cableone.net>
07/24/2005 08:57 AM

To: <ld_cottarewind@blm.gov>
cc
bcc
Subject: Fw: BPA Comment

Scott,

I sent the following message to the BPA and wanted to forward the message onto you and the BLM. In addition to below, I would really like to see this project get off the ground so we are not so dependent on water for other than drinking.

Thanks,

Mike March

----- Original Message -----

From: comment@bpa.gov

To: mimarch@cableone.net

Sent: Sunday, July 24, 2005 8:57 AM

Subject: BPA Comment

Thank you for your comment on **Cottarel Mountain Interconnection**.

Below is a copy of what you submitted

Michael March

mimarch@cableone.net
208-734-6334

Twin Falls id 83301.

My wife and I are all for the wind project(s). We would rather have wind farms than fossil-fire plants. The Magic Valley is an ideal place for wind energy and I believe they have the least affect on the environment. The more water we leave for the farmers and the cities, the better off we ALL are.


RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided. therefore further response is not provided to the comment.

**COMMENTS RECEIVED DURING PUBLIC MEETING
HELD IN
BURLEY, IDAHO
ON
JULY 26, 2005**

COMMENTS

Letter #11

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarewind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please Print Name <u>NICK RAKICH</u> Street Address <u>Box 786</u> State <u>Id</u> Zip <u>83318</u> City <u>Burley</u> E-mail (optional) Comments:</p> <p><u>The wind place - to move</u> <u>Good land, don't build a fence</u> <u>Good value in PL land want to</u> <u>help.</u> <u>I want to know what can be done</u> <u>when this place goes down hill</u> <u>Nick Rakich</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p> <p><u>USE private land - not public land.</u></p>
--	--

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

**COMMENTS RECEIVED DURING PUBLIC MEETING
HELD IN
ALBION, IDAHO
ON
JULY 27, 2005**

COMMENTS

Letter #12

RESPONSES

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:

Scott Barker, Project Manager
Cottarel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, ID 83318

Comments may be faxed to: 208.677.6699
Comments may be emailed to: ld_cottarelwind@blm.gov

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. ☐ Yes ☒ No

Please Print
Name Bruce Bristol
Street Address 7795 Hwy 77 State Id Zip 83311
City Albion
E-mail (optional) _____

Comments:


I am in favor of Plan B on a
but I prefer plan C.
Let's get this thing going!

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

Further comments may be written on back or on paper sheets attached to this page.

COMMENTS

Letter #13

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottrel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottrelwind@blm.gov</p>
<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	
<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Please Print Name <u>Jay L. Black</u> Street Address <u>2652 Elba Blv</u> Highway <u>Box 103</u> City <u>Blmo</u> State <u>Idaho</u> Zip <u>83312</u> E-mail (optional) _____ Comments:</p>	
<p><i>I would hope that it can be devalued. It would create a lot of jobs and add to our economy. I live on a Ranch in a rural area and watch the deer eat our flowers and anything else they want next to our house. I sage grouse raised a flock of chicks in our windbreak. Therefore I don't feel this system will hamper the wild life at all. It would be very interesting to look at as we drive by.</i></p>	
<p>Further comments may be written on back or on paper sheets attached to this page.</p>	


COTTEREL WIND POWER PROJECT

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTSRESPONSES


Letter #14

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6899 Comments may be emailed to: ld_cottarewind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>COTTEREL WIND POWER PROJECT</p>	<p>Please Print Name <u>Kurt Catmull</u> Street Address <u>Box 131 120 N. St</u> City <u>Albion</u> State <u>TO</u> Zip <u>83311</u> E-mail (optional) _____</p> <p>Comments: <u>This comment is against the wind project - I represents to me another big business taking away from me as a Idaho residence - there will always be need for cheap power - and the wind blows just as good on much less scenic beautiful area as this valley. I think a better less conspicuous place could be found with the same affect used in trying to push this through - I want my grand kids to enjoy the view and not lose it for ever - that's all</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #15

 <p>Twin Falls District Burlay Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burlay Field Office 15 East 200 South Burlay, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p>
<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	
<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Please Print _____</p>	
<p>E-mail (optional) _____</p>	
<p>Comments: <i>I am concerned because this will be in glide slope of the albion airport. the airport has been in existence since 1970. We have reviewed plans to build it. It was engineered to existing with plans for a 1600 ft extension. The engineering was done by Carle, Briggs & Baird Adams. The State has these plans. This project will interfere with air traffic.</i> </p>	
<p>Further comments may be written on back or on paper sheet(s) attached to this page.</p>	

COTTEREL WIND POWER PROJECT


RESPONSES

The proposed project will not interfere with the flight path of planes using the landing strip located in Albion.

COMMENTS

Letter #16


RESPONSES

 <p>Twin Falls District Burley Field Office</p> <p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Berker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.877.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please Print Name _____ Street _____ City _____ E-mail (optional) _____ Comments: _____</p> <p><i>I don't see any project for allison people and possibly a eye sore and noise for this beautiful little valley</i></p>	<p>Further comments may be written on back or on paper sheets attached to this page.</p>
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COTTEREL WIND POWER PROJECT

COMMENTS

Letter #17

 Twin Falls District Burlay Field Office	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burlay Field Office 15 East 200 South Burlay, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p>
<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	
<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Please Print</p> <p>Name _____</p> <p>Street _____</p> <p>City _____</p> <p>E-mail (optional) _____</p> <p>Comments: <i>I am concerned because the Albion Valley Airport LLC. Albion Municipal Airport is its line with this project and this runway is a mile long and there is plans to extend it. This project would interfere with present and future of this Airport.</i></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>	

COTTEREL WIND POWER PROJECT


RESPONSES

The proposed project will not interfere with the flight path of planes using the landing strip located in Albion.

COMMENTS

Letter #18

RESPONSES


 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p>	<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Please Print</p> <p>Name <u>William Longhouser</u> State <u>ID</u> Zip <u>83342</u></p> <p>Street Address <u>1572 E 1740 S</u></p> <p>City <u>Maleta</u></p> <p>E-mail (optional) <u>agpro@aol.net</u></p> <p>Comments:</p> <p><u>I believe this would be a very good project for the area. Plan B would be my preference. Plan C would be a second choice. We ranch east and south of the project area - dele cannot see any negatives to the project as presented.</u></p> <p><u>I would compliment the agency on the study.</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>
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COTTEREL WIND POWER PROJECT

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #19

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: id_cotterelwind@blm.gov</p>	<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. [] Yes <input checked="" type="checkbox"/> No</p>	<p>Please Print Name <u>Colleen Loughmiller</u> Street Address <u>1577 E 1740 S.</u> City <u>Malta</u> State <u>ID</u> Zip <u>83342</u> E-mail (optional) _____</p>	<p>Comments: <u>Project Plan B. but Plan C</u> <u>would be adequate. Let's get</u> <u>these wind mills up & going ASAP.</u> <u>Keep our air clean for future</u> <u>generations. Let's allow to harness</u> <u>our wild winds. Let's be prudent</u> <u>for a clean energy source.</u></p>	<p>Further comments may be written on back or on paper sheets attached to this page.</p>
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COTTEREL WIND POWER PROJECT

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #20



Twin Falls District
Burley Field Office

Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:

Scott Barker, Project Manager
Cottarel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, ID 83318

Comments may be faxed to: 208.677.6699
Comments may be emailed to: ld_catterwind@blm.gov

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. [] Yes ☒ No

Please Print

Name DEAN RICHKINS
Street Address 760 W. MARKET
City ALBUQUERQUE State IND. Zip 83311
E-mail (optional) _____


Comments:

WE NEED THE POWER - PUT AS MANY
WINDMILLS AS WE CAN GET UP THERE

Further comments may be written on back or on paper sheets attached to this page.

COMMENTS

Letter #21


 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: id_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please Name _____ Street _____ City _____ E-mail (optional) _____</p> <p>Comments: I am all for Alternative Renewable Sources of Energy. I think Wind Power is a great choice and Alternative I am not convinced Alben Valley is the best place. I would be interested in looking at other locations.</p>
<p>Further comments may be written on back or on paper sheets attached to this page.</p>	

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTSRESPONSES


Letter #22

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality, if you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Please Print</p> <p>Name <u>Cheryl Murphy</u></p> <p>Street Address <u>336 Harper Ave.</u> State <u>ID</u> Zip <u>83311</u></p> <p>City <u>Albion</u></p> <p>E-mail (optional) _____</p> <p>Comments:</p> <p><i>One of the reasons we moved to this area 9 years ago was because of the beautiful landscape/views. We have a lot to see that view described by keywords like "especially at night when lit. I also understand that there would be little or no economic benefit to the city of Albion - and definitely against this project."</i></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>
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COTTEREL WIND POWER PROJECT

COMMENTS

Letter #23

 <p>Twin Falls District Burlay Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burlay Field Office 15 East 200 South Burlay, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Please Print</p> <p>Name <u>Star Lloyd</u> Street Address <u>2270 S. Elba Alamo Hwy.</u> Zip <u>83342</u> City <u>Elba, Idaho</u> State _____ E-mail (optional) _____</p> <p>Comments:</p> <p><u>I Support Cottarel Wind Power; However</u> <u>I am concerned about future times (18-20</u> <u>years) when replacement and new power</u> <u>contracts come along.</u> <u>Our Ranch is 1/2 miles South of Elba.</u> <u>The wind blows there too. Tim Sage Area may</u> <u>want for power generation also.</u> <u>I am a past Board member for Raft</u> <u>River Electric at Malheur and I Support</u> <u>Wind Generation to Supplement The Renewable</u> <u>Hydro System.</u> Further comments may be written on back or on paper sheets attached to this page.</p>
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RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #24


RESPONSES

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6899 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p align="center">COTTEREL WIND POWER PROJECT</p>	<p>Please Print</p> <p>Name <u>Keith Amende</u></p> <p>Street Address <u>Box 157</u></p> <p>City <u>Albion</u> State <u>Id</u> Zip <u>83311</u></p> <p>E-mail (optional)</p> <p>Comments: <u>I am very much in favor</u> <u>of the Cottarel Wind Power Project</u> <u>I would like to see the project</u> <u>proceed as quickly as possible.</u> <u>It will be successful.</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #25


 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p>	<p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Please Print Name _____ Street _____ City _____ E-mail _____</p>	<p>Comments: <i>It was okay. I kind of like the bird picture and the windmills.</i></p>	<p>Further comments may be written on back or on paper sheets attached to this page.</p>
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RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.


COMMENTSRESPONSES

Letter #26

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p>
	<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>COTTEREL WIND POWER PROJECT</p>	<p>Please Print</p> <p>Name <u>Jack Beemer</u> Street Address <u>PO Box 543</u> <u>1100 E. 950 S</u> City <u>Alpova</u> State <u>IA</u> Zip <u>53311</u> E-mail (optional) <u>Buck@ATC.NET</u></p> <p>Comments:</p> <p><i>As reading, we need for alternative power, however, I don't believe the placement is appropriate nor the government incentive that will be paid. I have to look at them and I have to pay for them. The people I have spoke with, who want the project to go through don't even live in the valley (mostly). They don't have to look at them either. We built our house before I got for a season. The owner had known this project was coming, we would have been. Further comments may be written on back or on paper sheets attached to this page.</i></p>

COMMENTS

Letter #26 (continued)

 <p>Twin Falls District Burley Field Office</p>	<p>Comments Continued:</p> <p>Name <u>Steve Renner</u></p> <p><u>is another direction.</u> <u>We wouldn't get the only voice in</u> <u>Coos County but there should be more</u> <u>consideration taken for those who have</u> <u>to look at these</u> <u>How much money in incentives</u> <u>are to be paid? How much money will be</u> <u>outspensed to Shell?</u> <u>This country is huge. There are places</u> <u>in this huge country where a wind farm</u> <u>could be placed rather than on public</u> <u>lands.</u> <u>To my understanding this is only project</u> <u>to go on public lands. How to the money have</u> <u>to be paid to the private land owners.</u> <u>I came to this meeting (7-27-05) March</u> <u>Crack Center, Alaska) thinking I was being</u> <u>selfish by not wanting the project but I have</u> <u>discovered I am not for, not the only one</u> <u>who DOESN'T WANT IT.</u></p>
	<p>COTTEREL WIND POWER PROJECT</p>


RESPONSES

- A. There are Federal income tax incentives associated with the development of wind energy projects attached to the energy bill enacted by Congress and signed by the President. The proponent would pay fair market rent to the Federal Government for the use of the public land on Cotterel Mountain.


COMMENTS

Letter #27

RESPONSES

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Berkar, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p align="center">COTTEREL WIND POWER PROJECT</p>	<p>Please Print</p> <p>Name <u>Robert Murphy</u> Street Address <u>336 Harper Avenue</u> State <u>ID</u> Zip <u>83311</u> City <u>Albion</u> E-mail (optional) <u>murphy@otenet.net</u></p> <p>Comments:</p> <p><i>I have been against this windmill project for several reasons. As an artist who moved to area almost 10 years ago for the very stunning beauty that it encompassed, to have that beauty compromised by these mechanical devices is nothing short of environmental desecration. The aesthetics of this valley has attracted new home building, Optima the city itself, but in the outskirts, where these eyesores stand by the road visibly. So we have the natural attractiveness of this site being compromised, a country where once had more natural beauty is.</i></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>

COMMENTS**Letter #27 (continued)**

 <p>Twin Falls District Burley Field Office</p>	<p>Comments Continued: Name Robert Murphy</p> <p>disappearing for the so-called technical progress promised. I had also learned that the economic advantages of this project are minimal also. Not that this should be the defining factor for sacrificing a beautiful valley for a resource like this. This project is supposed to increase power output to the national grid. I've been told that there is no reason to argue against this project, that despite the fact that the majority of citizens living outside the town of Albion and along the project, that it will go ahead, notwithstanding the fact that I think that our state's voice still counts. So count me against this project. There are hundreds of square miles of open desert where there are no blindingly beautiful can be located and spoil the natural beauty of this valley for corporate profits!</p>
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RESPONSES

- A. The decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of the Proposed Project has not yet been made by the BLM. The BLM also has not yet made the decision whether or not to amend the existing Cassia RMP, which will allow for the granting of the ROW if so decided. Both decisions will be outlined in the Record of Decision, which will be based on the outcome of the EIS. See pages 1-14 and 1-15 of the Draft EIS.

COMMENTS

Letter #28

RESPONSES

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p style="text-align: center;">COTTEREL WIND POWER PROJECT</p>	<p>Please Print</p> <p>Name <u>CURTIS RICHINS + Michelle Richins</u> Street Address <u>284 West Market</u> City <u>Albion</u> State <u>Idaho</u> Zip <u>83311</u> E-mail (optional) _____</p> <p>Comments:</p> <p><u>I am in favor of the Wind Farm. My only concern is that the jobs created will not be given to those already residents of the mini-cooper area. We have intelligent workers that can be trained for the positions created.</u></p> <p><u>Also I would love it if they would pay my (the residents of Albion, Shelley and Malda Area) power</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>


- A. The Project Applicant has stated that all permanent positions, with the exception of the foreman position, could be filled from qualified personnel in the local labor force.

**COMMENTS RECEIVED DURING PUBLIC MEETING
HELD IN
BOISE, IDAHO
ON
JULY 28, 2005**

COMMENTS

Letter #29


RESPONSES

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottrelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please Print Name _____ Street Ad _____ City _____ E-mail (or) _____</p> <p>Comments: I am in favor of this project because alternative sources of extractable power are needed. This is a project that won't create any jobs, but it will clean source of energy and the decrease in release on dam power. </p>
<p>Further comments may be written on back or on paper sheels attached to this page.</p>	

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #30

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p align="center">COTTEREL WIND POWER PROJECT</p>	<p>Please Print Name <u>Jill and Thaddeus Weigel</u> Street Address <u>2001 Tartan Pl</u> State <u>ID</u> Zip <u>83702</u> City <u>BOISE</u> E-mail (optional) <u>jweigel@att.net</u> Comments: <u>We support the use of alternative energy sources.</u></p>
<p>Further comments may be written on back or on paper sheets attached to this page.</p>	

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #31

1337 Holly Drive
Twin Falls, ID 83301

BLM-ID
BURLEY FIELD OFFICE
RECEIVED

2005 JUL 29 AM 9 35

July 28, 2005

Mr. Scott Barker, Project Manager
Bureau of Land Management
15 East, 200 South
Burley, ID 83318

Dear Mr. Barker:

I have reviewed the draft EIS for the proposed Cottarel Wind Power Project. For the most part, I feel the EIS has adequately addressed potential impacts to the environment and other uses. However, I would like to offer the following specific comments and suggestions.

While the long-term impact of the project will be minimal to livestock grazing use, I suggest that the BLM and Windland, Inc. could easily mitigate any impacts by developing livestock water facilities in areas that are not used due to lack of water and additional forage through brush control. These same projects would also benefit wildlife. Short-term impacts could be mitigated by allowing use in the Dale Pierce Allotment.

My biggest concern with the EIS is that I believe impacts to big game and especially sage grouse are over-estimated. Based on my own observations, I believe wildlife are much more adaptive to changes in their environment than is generally assumed. There is no empirical research on habitat requirements and especially the effect other uses have on sage grouse. At best, the literature is based on limited case history studies and most is based on opinion. I believe that is especially the case with the potential effects of the project on sage grouse habitat loss and displacement listed in Table 4.6-7. As cited on page 4-38, the only study on the effect of large wind turbines on sage grouse (Yeo *et al.* 1984) found it did not decrease lek attendance. Thus, the inference (Connelly *et al.* 2000) that turbines not be placed within 1.8 miles of a lek should be discounted. The most likely long-term impact on wildlife would be from increased recreational use to the area. If monitoring indicates increased recreational activity and resulting impacts on wildlife, then recreational use could be limited.

I believe the short and long-term economic benefit to Cassia County and the growing need for energy production from renewable resources outweigh the environmental concerns expressed in the EIS.

Sincerely,

Ken Saunders

Ken Saunders

RESPONSES

A. Range improvement projects to mitigate potential impacts to livestock grazing are outside the scope of the analysis of this EIS. Under the umbrella of adaptive management, range improvement actions could be considered and analyzed on a case by case basis. Use of the Dale Pierce Allotment to off-set temporary impacts to livestock grazing during project construction is a good idea and will be considered in the preparation of the Final EIS.

B. There is little scientific data that would define impacts to wildlife species from large wind projects in shrub-steppe habitat. Therefore, the analysis in the Draft EIS is sometimes based on possible worst case scenarios derived from data collected on-site and available data from operating wind power projects.

COMMENTS

Letter #32

Albion, ID
July 27, 2005

BLM-ID
BURLEY FIELD OFFICE
RECEIVED

Reply to: 2800, IDI-33676 (ID220)
2005 JUL 29 AM 9 34

Scott Barker:

Enclosed are my comments of the Draft EIS for the Cotterel Mtn. Wind Project.

I am still opposed to the project being constructed on the Cotterel Mtn. Ridge because of the negative impact the project will impose on the residents of the Albion valley. These impacts will be the complete degradation of the view from anywhere in the Albion valley of the ridge line of Cotterel Mtn.

The draft EIS goes into great detail about avian mortality rates, construction practices, economic benefits, social impacts etc., but in my opinion only touches lightly on the areas of view shed and property values.

In appendix 6, no simulations of roads or pad scars are shown. I think these would be very visible especially from the Pomerelle road site.

Page 3-94, table 3.9.1. What and where are units 202, 220, 243, 244 and 245? I find no other references to these units anywhere else in the document.

Page 4-48. The Draft EIS states, "during construction, a decrease of property values is not expected to occur." For the operational period, one study from Kittitas County Washington stated, "visuals of wind turbines would not impact the property values". I find that hard to believe. Were the turbines cited in the study built within 2.5 miles of a town as this one is? Were the turbines built on private property where the landowners received the generated revenue? Was the project built on a dominant geographic feature as Cotterel Mtn. is?

Page 4-58. Leaving out the KOP taken from the Marsh Creek Event Center seems very wrong. After all, the destruction of the view shed from the Albion valley is our biggest concern. I think it should be included in your rating system. The numbers will definitely change and there fore the end score will change.

It is my opinion that when the BLM knew that the wind farm ROW application did not fit within the existing Cassia County RMP of Cotterel Mtn., alternative sites should have been selected for Windland to pursue for its wind generation project. There are several areas in Cassia County, both private and public, that would provide the same tax base, same number of temporary and permanent jobs, easier to access, construct and with little or no environmental or visual impacts.

RESPONSES

- A. Potential impacts from the Proposed Project to property values are discussed in the Draft EIS in Section 4.9 (Pages 4-43 through 4-56). Potential impacts from the Proposed Project to visual resources and views for the residents of the area are discussed in the Draft EIS in Section 4.13, (Pages 4-56 through 4-64).
- B. The majority of the Proposed Project roads will be located along the top of the Cotterel Mountain ridgeline and will not be visible from most viewpoints of the mountain. Road cuts will be revegetated following project construction. See Appendix C (Page C-9 through C-10) of the Draft EIS.
- C. Units 202, 220, 243, 244 and 245 are BLM Scenic Quality Rating Units (SQRUs). See Section 3.9 (Page 3-95) of the Draft EIS. Figure 3.9-1 on page 3-96 of the Draft EIS has been revised in the Final EIS to show the boundaries of the SQRUs.

COMMENTS

Letter #32 (continued)

Wind generation of electricity is a yet to be perfected way of generating electricity. It is only 30% effective. The remaining 70% of the time it is either non-productive or producing less than it's full potential. Something that is only 30% effective should not be the dominant feature of anyone's landscape. It should be built where it will have the least environmental and visual effect.

The entire project seems to be about the money to be made. Money to be made from Federal and State incentives, the selling of power at a higher rate and power companies being mandated by the Federal Government to purchase the power at a higher rate than they normally purchase or produce power.

Thank you for considering my comments.

Sincerely,
Jon Fillmore
Jon Fillmore
Box 151
Albion, Idaho
83311

RESPONSES

D. Page 4-49 of the Draft EIS states "...if a visual impact were to occur as a result of this Proposed Project, resulting decreases in property values would not necessarily occur." The commentor does not address the adequacy of the Draft EIS and therefore further response is not provided in this document.

E. A Key Observation Point (KOP) was established at the Marsh Creek Event Center and the Visual Resource Contrast Rating Method was applied to the viewshed from this location. The results of the Visual Resource Contrast Rating are analyzed in the Final EIS.

F. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's application is therefore outside the scope of this EIS.

COMMENTS

Letter #33



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
U.S. GEOLOGICAL SURVEY

2005 AUG 10 10:56 AM
RECEIVED

In Reply Refer To:
Mail Stop 423
2800, IDI-33676 (ID2220)

AUG 02 2005

Scott Barker, Project Manager
Bureau of Land Management
15 East, 200 South
Burley, Idaho 83318

Subject: Draft Environmental Impact Statement for the Proposed Cottarel Wind Power Project
and Draft Resource Management Plan Amendment

Dear Mr. Barker:

As requested by the U.S. Department of the Bureau of Land Management, in their correspondence of June 28, 2005, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (EIS) and offers the following comment.

GENERAL COMMENT

The text suggests, and even mentions (page 2-33, Proposed Action and Alternatives, 2.5.4 Required On-Site Monitoring, Effectiveness Monitoring, Adaptive Management and Compensatory Mitigation), that "adaptive management" will be adopted to minimize environmental degradation by the proposed project. However, to adaptively manage for environmental change and potential degradation, baseline survey information is gauged against changing environmental conditions during the life of the project. "Adaptive management" means to accommodate project actions to minimize impacts to baseline or desirable environmental conditions. This observation of environmental change requires consistent, methodological monitoring, which is not described in the draft EIS. One such example of adaptive management could be the decreased use of turbines during expected conflicting avian or bat activity.

SPECIFIC COMMENTS

Page 2-33, Proposed Action and Alternatives, 2.5.4 Required On-Site Monitoring, Effectiveness Monitoring, Adaptive Management and Compensatory Mitigation

The draft EIS states, "This monitoring would include on-site fatality monitoring associated with the operation of the turbines...as described in Appendix D. Appendix D, Best Management Practices Specific to Wildlife, specifies, however, that "Carcass searches will be conducted...once every two weeks. All carcasses located will be photographed as found and mapped...." This description, as indicated, implies that a two-week interim period will occur between carcass counts. If carnivorous scavengers (coyotes, foxes, wolves, vultures) were to

RESPONSES

A. Monitoring to determine changing environmental conditions as compared to baseline survey information is described in Section 2.5.4 of the Draft EIS (Page 2-33) and in Appendix D. A detailed on-site monitoring protocol will be developed and included as a section of the Project Plan of Development. Further, additional monitoring protocols will be developed by the technical steering committee that will be formed as described in Section 2.5.4 of the Draft EIS (Page 2-36).

B. The fatality monitoring protocol outlined in the Draft EIS is consistent with the fatality monitoring methods conducted at other operational wind power projects located in Oregon and Washington. To allow the results of the fatality monitoring to be comparable to the findings at other wind power projects BLM feels that the fatality monitoring protocol as outlined in the Draft EIS is appropriate.

COMMENTS

Letter #33(continued)

2

take advantage of this source of food, evidence of bird and bat fatalities caused by the turbines may not be observable. Thus, consideration could be given to monitoring for potential scavenging of on-site bird or bat fatalities and could include more periodic monitoring with the use of inexpensive video technology to supplement the direct human observations every two weeks. Without such monitoring, the actual on-site fatality numbers might be skewed.

Furthermore, the USGS recommends, for consideration, that bird and bat fatalities be identified for species composition. This information on species prevalence on a temporal basis could contribute to the development of a predictive tool to aid in the adaptive management of turbine use and spacing.

Thank you for the opportunity to review and comment on this draft EIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at lwoosley@usgs.gov.

Sincerely,



James F. Devine
Senior Advisor for Science Applications

RESPONSES

- C. During fatality monitoring, information on species composition would be recorded when possible. The fatality monitoring protocol defined in the Final EIS has been modified to address this issue.

COMMENTS

Letter #34

August 2, 2005

Kenneth Clausen
4326 Nystrom Way
Boise, ID 83713

COMMENTS SPECIFIC TO THE PROPOSED COTTEREL WIND POWER PROJECT DRAFT EIS.

I find it quite ironic that a so called "environmentally friendly" energy source such as wind power is being proposed to be built on an otherwise undeveloped site such as the ridge top of the Cottarel Mountains. From my own observations over the last 40 years of living in the Western States the single biggest impact to the natural environment has been the continual development of undeveloped lands. Fewer and fewer places exist that have minimal human impact. While this trend is inevitable due to continued population growth it can, and should, be minimized wherever possible.

One of the great aspects of the public lands of the Western States is that they have rarely been used for industrial purposes. With the exception of mining, the land for the most part has been protected from permanent alteration. Most of the residential, industrial and agricultural development of the West has been on private property as it should be. The undeveloped public lands have allowed the West to maintain its character as distinct from the East or the Midwest. The open spaces of the West have provided world famous pristine vistas and allowed room for large numbers of wildlife as well as the opportunity for recreation and solitude for all of us regardless of income or where we live. Therefore, I believe it is inappropriate to allow this type of industrial development on public property. There are plenty of places on private property in Idaho where this type of project could be constructed, namely the Snake River Plain.

Also the proposed wind turban towers for this project are very large in relation to the natural features of the landscape, with the exception of the mountains themselves, and will dominate the surrounding countryside. The effect of this will be greatly magnified by placing these towers on the very top of the ridge line. These towers will be noticeably disruptive to the view for quite a distance in every direction. While the wind may not be as steady or as strong, this same type of development out on the plains would not be nearly as obtrusive and could be built on already developed land rather than disturbing the diminishing open spaces.


Therefore as an individual American citizen and native Idahoan I am opposed to the development of the Cottarel Wind Power Project as proposed.

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #35


 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to: BLM-ID BURLEY FIELD OFFICE</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>2005 AUG 16 AM 10 32 RECEIVED</p>
<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: id_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	
<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Please Print Name <u>Arlene Smyer</u> Street Address <u>1300 E. 1030 S.</u> State <u>ID</u> Zip <u>83311</u> City <u>Albion</u> E-mail (optional) <u>Ka.smyer@ats.net.net</u></p>	
<p>Comments: A Magic Valley resident quoted in the local paper said he found wind farms intriguing. That's certainly a captivating term, yet however interesting a cluster of windmills may be, we can be certain they are not natural nor are they pristine. This fact is irrelevant unless one proposes placing them atop a ridge bordering a pristine valley known for its quiet natural beauty. This is the Albion Valley of Appa. Affection for the views offered by this valley has been deep and broad enough to have the route through the valley declared a scenic byway. Further comments may be written on back or on paper sheets attached to this page.</p>	

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #36


 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to BURLEY FIELD OFFICE</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>2005 AUG 16 AM 10 32 RECEIVED</p>	<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Please Print Name <u>Debbie Matzen</u> Street Address <u>20 N 950 E</u> City <u>Delco</u> State <u>ID</u> Zip <u>83323</u> E-mail (optional) _____</p> <p>Comments: <u>I don't think the cottarel mountain range is an acceptable location for wind power generation. It will detract from the natural and commercial assets of the valley. There are so many places available that we do not need to encroach on the solitude of the Albion valley. The people of the Albion valley and surrounding areas should not pay the price for private investors who do not have the interest of the people and valley at heart.</u></p>	<p>Further comments may be written on back or on paper sheets attached to this page.</p>
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RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #37

 Twin Falls District Burley Field Office	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to BUREAU OF LAND MANAGEMENT, 15 East 200 South, Burley, ID 83318.</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>2005 AUG 16 AM 10 32 RECEIVED</p>
	<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please Name _____ Street _____ City _____ E-mail (optional) _____ Comments: <i>id am against the Cotterel Wind Power Project.</i></p>
Further comments may be written on back or on paper sheets attached to this page.	

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #38



Katie Fite <kfite@juno.com>
08/21/2005 02:34 PM

To: wendy_reynolds@blm.gov, scott_barker@blm.gov,
IWF@idahowildlife.org, jon@westernwatersheds.org

cc

bcc

Subject: Technical Report Cottrell

Dear Ms. Reynolds and Mr. Barker,

WFP requests a copy of a document referred to in the Cottrell Wind DEIS, the Proposed Project Technical Report (Sharp et al. 2005). Please send us a hard copy as soon as possible. It is impossible to understand the adequacy of the information in the Cottrell DEIS without this critical document. Why was this information not at least attached in Appendix form to the DEIS?

Address:

Katie Fite
WFP
PO Box 2863
Boise, ID 83701

RESPONSES

- A. A copy of the requested document was sent to WWP on August 23, 2005.

COMMENTS

Letter #39

8-22-05

To Scott Barber,

BLM-ID
BURLEY FIELD OFFICE
RECEIVED

2005 AUG 23 AM 10:48
I have not been able to attend the last public meeting on the Cottrell wind project because I work out of town, but I wanted to submit my written comment.

I favor Alternative A - No Action, the reason is quite simple. Easy access to public land is a death sentence for all wildlife.

The existing road as it is right now is not a problem, if you drive it you know it is rough.

I am in favor of windmills but never in prime wildlife habitat on public lands.

It is to bad that the BLM's decision is a political one not a biological one.

Thank you,

Kevin A. Larson

1952 W. 16th

Burley, ID.

678-8432

83318

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #40

August 25, 2005

US Dept. of Interior
Bureau of Land Management
Twin Falls District
Burley Field Office
5 East 200 South
Burley, ID 83318

Re: Cotterell Wind Project DEIS and DRMP Amendment

Dear BLM,

Here are comments by Western Watersheds Project on the Proposed Cotterell Wind Power Project and DRMP Amendment.

BLM's Proposed Action in the DEIS is Alternative C, which would construct a facility and road network along 14.5 miles of scenic ridgeline, with 68 plus 17 turbines, and a transmission line, substation and other facilities. Turbines would range from 230 to 328 ft. rotor diameter. BLM fails to reveal the specific siting of these facilities.

The Abstract describes the facility occupying approximately 15 miles of ridgeline along Cotterell Mountain, is described as consisting of a single linear north-south string of turbines. Thus, it appears that this facility would greatly fragment and block north-south migration routes for migrating birds, and also dissect and fragment habitat for a broad range of native wildlife over a very large land area. We are deeply concerned that Shell has not considered alternative siting, as the full impacts of a project in the Cotterell site are impossible to mitigate.

There is growing national and international concern about the impacts of wind facilities. All available guidance, including that of the wind energy industry, stresses the importance of selecting sites that minimize environmental harms.

As BLM is under tremendous political pressure to approve this project, we ask for anonymous review by scientific experts removed from political pressures. We request vetting of conclusions by an anonymous team of agency biologists with expertise in sagebrush-steppe. I did not appreciate being contacted by a representative of Windland when I worked for CHD, to try to get us to overlook the harmful impacts of this project. I can only imagine the pressure that agency staff (at both the state and federal level) are under to acquiesce to this very harmful project by a huge energy company.

1

RESPONSES

Due to the length and organization of this comment letter, issues and concerns raised were grouped into general topics or categories (listed below). Responses are organized with respect to this list and attempt to address specific points scattered throughout the letter.

A. Specific siting of facilities, i.e. advance engineering design of the facility.

The features of Alternative C are documented on Figure 2.5-1 and Figure 2.5-2 (pages 2-29 and 2-30) of the Draft EIS. A more detailed description and mapping of the proposed project facilities will be included in the Plan of Development. The action alternatives analyzed in the Draft EIS were based on a template designed specific for Cotterell Mountain. This is a common methodology used in analyzing wind energy projects. The specific features of each of the alternatives are described in Sections 2.4 through 2.6 (Pages 2-23 through 2-40) of the Draft EIS. Requiring the Applicant to conduct preapproval advanced design engineering of the proposed project alternatives during the Draft EIS portion of the analysis would be an undue cost on the Applicant. Advanced design will be completed and included in the Plan of Development.

COMMENTS

RESPONSES

Letter #40 (continued)

BLM has unlawfully segmented the analysis project, and undertaken ground disturbance and facility placement without any public NEPA process. This has destroyed the legitimacy of baseline wildlife habitat and population monitoring. Perhaps that was the goal --- to alter habitats so that fewer grouse and other species would be found.

As WWP noted in scoping comments: On-the-ground disturbances and surveys have already commenced under this "right-of-way" permit without public NEPA involvement; including but not limited to road-blading of two-tracks and other human activities related to the project that have been allowed to proceed on the mountain in *advance* of public scoping, EIS preparation, etc. It should not have to be the public's responsibility to police the BLM's NEPA actions and force compliance with its own legal responsibilities.

BLM has tainted future data collection on wind farm development impacts. By allowing the construction of the towers, before collecting necessary baseline information on sage grouse, raptor populations, migratory songbirds, bats and other special status species, BLM destroyed any chance of establishing a legitimate baseline for biological information if it later grants the right-of-way for a gargantuan wind facility. Placement of MET towers likely has already caused avoidance of the site by wildlife like sage grouse -- a species that avoids use of areas with tall vertical structures (Braun 1998, Manes 2002), and resulted in avian mortalities from collisions. Behavioral avoidance will skew results of any new research or data collection.

BLM has also failed to comply with FLPMA, and balance uses of the public lands. BLM ignored evaluation of the relative scarcity of the wildlife habitats and populations, recreational importance, scenic beauty, wild and little-roaded lands, values and other important attributes of the Cotterell Mountain site. BLM has no Reference Areas, nor has it evaluated the Cotterell Mountains as a Reference Area.

The DEIS does not adequately address the very significant impact the Cotterell project will have on sage grouse habitats and populations, especially population isolation and extirpation of the existing breeding population, and loss of critical wintering habitat for birds from a broader region. The sage grouse population here is already perilously low -- with only 50 or fewer males attending leks.

WWP commented:

The proposed facility, as indicated by the public scoping notice; includes towers that exceed recommended heights, are scattered across miles of natural habitats, and will result in directly or indirectly destroying and/or substantially altering hundreds if not thousands of acres (includes actual construction sites, *plus* roads and zones of impact for roads, ongoing human disturbances, noise factors, tower presence, etc.) of existing wildlife habitat.

The DEIS does not adequately address the very significant impacts on: Public Uses and Recreation; Visual Resources Protection; Water Resources; Watersheds; Vegetation, including its health. Also, Invasive Species: The analysis focuses overwhelmingly on

B. Range of alternatives including analysis of other sites, comparison of impacts, mitigations, and economic factors for other sites including private land sites.

The purpose of the proposed project is to develop an economically feasible wind power project on Cotterell Mountain, as per the proponents ROW application. The scope of the Draft EIS was defined by the Applicant's proposal and the range of alternatives was developed within those parameters. Simply put, the Draft EIS addresses either action or no action alternatives on Cotterell Mountain. As you may or may not be aware, all of the work done by BLM and URS on this Draft EIS has been funded by the Applicant. This is largely why the scope of the analysis is limited to the Applicant's proposal. This analysis focuses on the Applicant's proposal. Private farmlands would not require analysis under NEPA.

COMMENTS

Letter #40 (continued)

noxious species, and fails to adequately address the very significant impacts of the network of roads, and facilities, along with ongoing livestock grazing and OHV use, and introduction and spread of invasive species across the area.

The project will have significant effects on private lands, public recreational use, and wildlife use of large areas extending out from the turbines themselves.

We are alarmed that the DEIS claims bighorn sheep relocation, sagebrush-steppe habitat impacts, other sources of energy opportunities, etc. are deemed "outside the scope". There is no sound rationale provided for why these were cast aside as serious issues to be considered. These all were raised in scoping.

The Purpose and Need for this Project is described as "to develop an economically feasible wind-powered site". Yet, the DEIS does not provide necessary financial information to determine what IS or IS NOT economically feasible for Dutch Shell. By setting this up so that you can cut courses on environmental protection measures, you have artificially constrained the range of alternatives. Please provide all financial records for Shell to the public. We understand that currently energy companies are raking in record profits, so doing the very best job, and using some of this largesse resulting from sky high oil prices to develop an energy facility in a site with minimal environmental conflicts, should be the Number One priority here.

Please provide all information on funding sources and costs for this project, and all parties involved, as you claim, essentially, that cheapness and cutting corners is part of the purpose and need. The public needs to understand if you are telling the truth. Would more funding/investors/whatever be attracted to a much more environmentally friendly alternative siting location?

For example, p. ES-11 refers to: "the Applicant's analysis and disclosure of minimum size project". It is impossible to understand the parameters or sideboards that have been applied in this estimation, or how such factors may have changed if different, unbiased analysis and more environmentally benign siting were considered.

Further, BLM has never conducted such an analysis – either across the BFO, Idaho, or anywhere. The Land Use Plans did not envision, allocate, or designate "development" vs. "non-development" areas in any process where merits, environmental consequences, the public interested was weighed. FLPMA specifically states that not all public lands must be used for all uses.

BLM Has Ignored FWS Interim Guidance on Wind Test Monitoring and Development

Due to tremendous public concern about wind facility impacts to wildlife, FWS has developed guidance and a process to better minimize impacts to wildlife, and to identify sites where placement of wind facilities would lessen harm to wildlife. In its May 13,

RESPONSES

C. Political pressure to approve the project and request for anonymous review of Draft EIS conclusions by scientific experts.

The Cotterel Wind Power Project Draft EIS was made available for public review and comment for a period of 90 days. During the public review period, the BLM received several comments from state and federal wildlife management and regulatory agencies as well as from wildlife conservation organizations. The BLM feels that the responses received from these agencies and groups satisfies the need for scientific review.

The NEPA process is a public disclosure of known resources and potential effects. It does not allow for anonymous review.

D. Landscape level analysis of the BFO to identify suitable and unsuitable sites for wind energy development.

Again, this is a project specific analysis and does not look at a large regional picture

COMMENTS

RESPONSES

Letter #40 (continued)

E. BLM is in non-compliance with NEPA by segmenting the analysis and proceeding with project related ground disturbing activities without public NEPA involvement.

2003, "Service Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines", FWS states:

Wind energy facilities can adversely impact wildlife, especially birds and bats, and their habitats.

...The cumulative effects of this rapidly growing industry may initiate or contribute to the decline of some wildlife populations. The potential harm to these populations from an additional source of mortality makes careful evaluation of proposed facilities essential. Due to local differences in wildlife concentration and movement patterns, habitats, area topography, facility design, and weather, each proposed development site is unique and requires detailed, individual evaluation.

The potential harm to wildlife populations from an additional source of mortality or adverse habitat impacts makes careful evaluation of proposed facilities essential.

Each site poses its own set of negative possibilities for wildlife.

Wind energy is rapidly expanding into habitats and regions that have not been well studied.

Pre-development evaluations should be conducted by a team with no vested interest.

Avoid or minimize impacts to wildlife and their habitat through: 1) Proper evaluation of potential wind energy sites; 2) proper location and design of turbines and associated structures within sites selected for development; and 3) pre-and post-construction research and monitoring to identify and/or assess impacts to wildlife populations.

Identify and evaluate reference sites, preferably within the geographic area. Reference sites are high-quality wildlife areas where wind development would result in the maximum negative impact on wildlife.

FWS recommends:

Avoid placing turbines in documented locations of ESA-protected species. Avoid placing turbines in bird migration pathways or in areas where birds are concentrated. Avoid placing turbines near bat hibernation, breeding and maternity/nursery colonies, in migration corridors, or in flight paths between colonies and feeding areas. Configure turbine arrays to avoid areas or features of the landscape known to attract raptors or sites of potential avian mortality; avoid fragmenting large, continuous tracts of wildlife habitat. Where practical, place turbines on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not practical, select fragmented or degraded habitats over relatively large intact areas. Minimize infrastructure, develop a habitat restoration plan, reduce carrion availability.

In July of 2001, the BLM issued a ROW grant authorizing the Applicant to install multiple wind speed and direction recording devices (anemometers) at various locations on Cotterel Mountain Potential impacts of the wind testing proposal were analyzed in an Environmental Assessment number ID-007-EA-01-0063, and Finding of No Significant Impact was signed by the Burley Field Office Manager on July 13, 2001. Only the most minor ground disturbing activities were authorized under this ROW grant and none were conducted that warranted any kind of recontouring or reseeded. BLM Interim Wind Energy Policy (Appendix B of the Draft EIS) states that wind energy development applications will be filed for placement of wind speed data collection equipment. If Applicants propose to proceed with development of a wind energy project, the data collection ROW grant must be amended within a three-year period. The policy further proscribes that the data collection application undergo NEPA analysis prior to approval and that collection of data for the eventual preparation of a project level NEPA analysis may proceed during the wind data collection period. Therefore, BLM's approval

COMMENTS

Letter #40 (continued)

FWS has developed a protocol to rank sites. This protocol employs a "Potential Impact Index" (PII). *First, identify and evaluate reference sites (where wind development would result in maximum negative impact), and use these sites to determine the comparative risks of developing other potential sites. Second, evaluate potential sites to determine risks to wildlife, and rank sites against each other using the highest ranking site as a standard. Evaluation should be conducted by qualified biologists from state and federal agencies.*

The PII checklist includes "physical attributes", species occurrence, ecological attractiveness and evaluates ecological magnets. Rankings then serve as indicators of relative risk to wildlife and thus provide an estimator of the level of impact. FWS states that pre-construction studies should estimate the impacts of wind power development on wildlife. All sites need to be monitored for impacts on wildlife after construction. Monitoring Methods include: Point counts, winter raptor surveys, lek counts, migration counts, radar surveillance, ungulate surveys, spotlight surveys, acoustic surveillance (bats), species/guild/group list, radar, migration counts, nests/area.

FWS's interim guidelines are based on current science. Regrettably, despite great public and agency concern, BLM did not follow this current science-based guidance. The Proposed Action is flawed, as it contains:

- Inadequate analysis of impacts to a broad array of wildlife populations, or of cumulative impacts to their populations and habitats.
- Inadequate analysis of comparative evaluation of wind energy sites, and thus no comparative analysis of potential impacts.
- Inadequate recommendations to minimize impacts through proper design (MET towers with no guy wires, towers less than 150 foot tall, distance from leks, avoidance periods).
- No pre-Met Tower, drilling and other disturbance monitoring of important wildlife populations necessary to understand impacts of MET tower placement – such as behavioral avoidance of sites following tower placement. There is no baseline for comparison. Towers are constructed prior to collection of a wide array of necessary baseline data. BLM collected no data on bat use of sites, or bird migration, and will have no baseline data for comparison.
- Ignores identification or discussion of any reference sites, to any other potential wind facility areas, as FWS interim guidance recommends. This is alarming, as the Cotterell Mountains have all the attributes of a reference site. It is an undisturbed enclave compared to much of the rest of the BFO lands.
- Will result in many negative impacts to wildlife were not assessed.
- Turbines placed across documented locations for special status species.
- Only the most limited studies on migration.
- Conflict with BLM's policy, which is to manage habitat or sensitive species so as to avoid ESA listing, so same precautions should have been taken as for ESA species, but were not. BLM policy or special status species directs BLM to ensure that activities authorized, funded, or carried out do not contribute to the need to list any species. BLM did not ensure this.

RESPONSES

of the Applicant's wind speed data collection ROW was in compliance with BLM policy.

Road blading of two tracks within the Proposed Project area was done in response to the need for emergency fire suppression and was totally unrelated to the proposed project.

Numerous BLM personnel and contract scientist conducting wildlife surveys in the Proposed Project area have regularly observed sage-grouse in close proximity to one of the wind speed data collection towers. They have also been observed close to the existing communication facilities located on the summit of Cotterel Summit over the past 25 years. The BLM required the Applicant to install flagging on the MET towers guy lines to alert avian species to their presence. In the four years that MET towers have been in place there have been no documented cases of avian or bat mortality associated with them.

F. Compliance with FLPMA.

The BLM is required to consider ROW Applicant proposals in accordance with Title V of FLPMA.

COMMENTS

Letter #40 (continued)

BLM already has abundant evidence of special status species occurrence in, and reliance on, these lands. Knick et al. 2003, stress the urgent need for protection of sagebrush habitats, and Connelly et al. 2000 and Braun 1998 describe the many important habitat components and problems faced by sage grouse.

If BLM had followed current scientific guidance (Manes et al. 2002), and undertaken the necessary unbiased systematic and scientific process of looking at wind development, and comparative siting, on a landscape scale in the BFO and honestly weighing environmental (wildlife - extirpation of sage grouse; raptor nesting habitats; and human concerns including property values lowered, life styles lost or diminished), then the Cotterel Mtn project near one of the most tranquil and aesthetic small communities in southern Idaho would NOT have been chosen.

As part of this process, we believe Cotterell site would have been designated a Reference Site, and wind facilities not placed here.

This demonstrates that what Burley BLM needs to do here is to conduct an RMP amendment - or up-to-date EIS - that designates "suitable" vs. non-suitable or Reference Sites, for avoidance of wind energy facility placement.

Specific Concerns

The claims of Shell's economic constraints and complaints are pure malarkey. How can it possibly be cheaper to bulldoze and maintain under all weather conditions a long series of roads and facilities up and down and across a mountaintop? How do facility maintenance and operation costs in such a location compare to many flatter, somewhat less windy sites? How do mitigation costs compare between this and other sites - for example, private lands where little mitigation would be required, or less sensitive public lands?

Part of the reason it may be cheaper is that BLM is not requiring and clearly specifying the necessary level of mitigation for the loss of sage grouse, raptor and other regionally significant populations of wildlife, as well as the facility's large-scale interference with an avian migration site.

If this project proceeds in this site, BLM must require in-kind compensation or purchase of private land equal in sagebrush wildlife values and acreage to the Cotterell Mountain site. "Studying" populations as they blink out is not adequate mitigation. It is very disappointing to see the lack of cost and specificity laid out in relation to mitigation. Please provide a comparison between full mitigation costs at the Cotterells, and for example, mitigation for an alternative marginal wheat farm surrounded by cheatgrass. Wouldn't it seem that in an area where the freeway on the flat has signs describing violent dust storms, alternative wind facility siting areas may abound?

There is a lot of marginal cropland and private land, and a lot of over-allocation of irrigation water on the Snake River Plain and surrounding areas. It would be a win-win

RESPONSES

G. Impacts to sage-grouse.

A great deal of information on sage-grouse has been collected on Cotterel Mountain including:

- Three years of lek attendance surveys
- Winter use surveys
- Radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use.

These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers.

COMMENTS

Letter #40 (continued)

scenario if such land became wind facilities, and not public land in some of the highest value wildlife habitat in the BFO, located within a very likely bird migration corridor. Large powerlines also run close (perhaps closer) to a lot of this marginal ag. land.

What appears to be happening here is Shell is preying on the weakness and cheapness of the BLM, especially in the atmosphere of political favoritism and cronyism with industry that exists in Idaho at present. Shell is muscling its way in--- to destroy a scenic wild mountain range that provides critical migration and nesting habitat for birds, critical winter habitat for mule deer, etc. -- with the consequence of extirpation and loss of sage grouse populations in the area.

Plus, the impacts on north-south migratory birds will be great. It is impossible to fully gauge how death of ferruginous hawks, burrowing owls, warblers, etc. may affect (or lead to extirpation over time) nesting bird populations in lands to the North. As another example, the recent Craters of the Moon FEIS/RMP describes only a couple of few colonies of special status bat species. What if these bats migrate from wintering areas to these sites -- through the Cotterells, where they will be decimated by turbine mortality?

If Shell was seriously interested in developing an economically sound project, it would be done on flatter, slightly less windy lands -- which abound across the Snake River Plain. A comparison of a REASONABLE range of alternatives here would have included a comparison with such very feasible for development sites. It is BLM's duty as a management agency to protect the public interest. By sacrificing sage grouse, migratory birds, and important wild lands and through narrowly constraining the development of very similar action alternatives, BLM has forsaken its duty under NEPA and FLPMA. Sure, alternative sites may be somewhat less windy -- but they may also be MORE SUSTAINABLE and CHEAPER to operate over the long run -- as violent winter weather events, washed-out roadcuts, and other factors would be much less likely on more reasonable terrain. Vast areas of the SRP are cheatgrass, mustard and tumbleweed-infested, and serve as habitat for few species of wildlife. Thus, development of such sites would have fewer environmental consequences. The sheer number of roads to be cut into hillsides will create an erosion nightmare -- both for wind and water erosion. Plus, roads serve as corridors for predators of sagebrush-steppe wildlife. A Cotterell project might generate a little bit less energy --- but so what? We suggested just such alternative actions in our scoping comments, and were ignored. Consideration of these alternatives is necessary to prevent undue degradation of public lands, avifauna, recreational uses, etc.

We are alarmed that the DEIS DOES NOT CONTAIN design specifics for each of the alternatives. It is impossible to evaluate these alternatives and their impacts without specific plans. We note that "Project Features Common to All Alternatives" could be applied at any of dozens of alternative locations on or along the margins of the Snake River Plain. Why were no other locations examined?

ES-13. It is hard to understand how you can develop this "Comparison" if you don't yet know the siting of many of the facilities and infrastructure.

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RESPONSES

The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8 mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

H. Impacts to public uses and recreation, visual resources, water resources, watersheds, vegetation, soils and soil erosion, cultural resources, invasive and noxious species from the proposed project combined with ongoing livestock grazing and OHV use.

Potential impacts of the proposed project alternatives are discussed in Chapter 4 of the Draft EIS. Potential impacts discussion for the following resources can be found in the Draft EIS in the following sections:

- Recreation, Section 4.1.1 (Pages 4-52 through 4-54)
- Visual Resources, Section 4.13 (Pages 4-56 through 4-63)
- Physical Resources (Water resources) Section 4.5.4 (Pages 4-6 and 4-7)
- Vegetation (including invasive species and noxious weeds), Section 4.6.1 (Pages 4-10 through 4-14)

COMMENTS

Letter #40 (continued)

How do reclamation costs compare between mountaintop and ridge siting with massive roadcuts, reclamation, mitigation (perhaps – Shell has yet to commit to anything concrete) --- compared to alternative locations?

Will the roadcuts be reclaimed, and roads closed at the termination of the project? Will any be immediately reclaimed – say after the construction cranes leave? Where will all road materials come from – both for project construction and reclamation? This is an important ancillary impact that must be considered. What wildlife species will be affected by vegetation removal and grinding of underlying rocks for road base and other activities? Will this occur on public or private lands?

ES-15 describes BLM Management goals to improve dispersed recreation. This proposal essentially destroys many recreational opportunities – from fewer mule deer due to winter habitat loss to removing any semblance of a wild land experience from the Cotterells. It also negatively affects the setting of rural communities and wild land amenities associated with growing recreational use.

What habitat losses have occurred, or will occur, for the special status and other species affected by this proposal suffer as a result of Healthy Forests, HFRA, and other woody vegetation removal projects that BLM or the nearby Forest may have already conducted, or may be planning?

How will all the infrastructure (beyond the turbines themselves) associated with the site affect, displace, lure, or otherwise alter behavior patterns of wildlife? How will it increase “weedy” species, mesopredators, etc. at the expense of others?

How will the turbines and their noise and motion affect wildlife?

ES-14 describes 14 springs, and a later map shows water resources. How will this project affect watersheds, hydrology, aquifer percolation, and ultimately the flows of these springs/water resources? What are basal flows of these springs? Is there past or baseline flow data? Who holds the water rights? How have flows change over time? How are direct, indirect and cumulative impacts of livestock grazing and livestock water facilities affecting these flows. Please note that springs in arid lands may be critical stopover habitats for migrants. See Attached info necessary for springs.

The “Affected Env’t” description of the setting and wildlife lacks important baseline information on characteristics, populations, habitat conditions, etc. There is no link to a large regional picture. How scarce are springs, sage grouse leks, mule deer winter range, etc. across this landscape? How does this elevate the importance of the Cotterell site?

ES-15 describes this site as “prime” habitat for raptor species including ferruginous hawk, prairie falcon, golden eagle.

Many of the old Land Use Plans had seasonal avoidance criteria to prevent activities from harming wildlife. Do they exist in this RMP?

RESPONSES

BLM does not agree that the proposed project essentially destroys recreational opportunities. Public access will not be diminished and from many areas on Cotterel Mountain, particularly the canyons and side drainages, the proposed project would not be visible.

Known information on springs and surface water resources is contained in Section 3.1.4 of the Draft EIS including Figure 3.1-2 (pages 3-9 through 3-11). Potential impacts are described in Section 4.5.4.

I. Disclosure of economic factors influencing the range of alternatives analyzed in the Draft EIS. Variation in purpose and need statement between NOI and Draft EIS.

The economic feasibility of the proposed project is determined by the Applicants willingness to take on the financial risk of the proposed project, not the Applicant’s financial status or the potential profits that could be released from the proposed project. BLM’s responsibility in analyzing the proposed project does not include monitoring corporate profits or allocation of corporate resources.

COMMENTS

Letter #40 (continued)

Exec Summary ES-19 greatly underestimates the degree, level and range/scope of disturbance. For example, it only evaluates "permanent elimination of deer winter range on around 160 acres". This approach underestimates the areas that may be avoided by deer to traffic, noise, etc. for miles around the project and its infrastructure. Over how large an area will different species be stressed?

This chart, besides lumping many wildlife all together, states that: "wildlife *could* be negatively affected". Wildlife WILL be negatively affected, and you need to describe how food, cover, space, for all species will be altered. We can find no necessary baseline data on habitats and populations for all species that WILL be affected - Brewer's sparrow, sage thrasher, sage sparrow, ferruginous hawk, etc.

What period of time are these mortalities in ES-20 based on? What significance does that have to local or regional populations? What other stresses do these populations face?

The DEIS (Es-20) states that mortalities are based on estimates from Point Counts. Where is the information on bird migration including spring day migration, and fall night migration? Is that taken into account?

In reviewing the "Yearlong Avian and Fall Migration" Report, we note: The northern part of the range may be particularly important for avian use - why was it not avoided in spring? Also, there were no surveys conducted on the eastern ridgeline where wind towers are now proposed. 62-69 percent of flying birds were observed within the turbine impact area/death zone (report at 19). Raptor use estimates at the Cotterell site is the third highest of wind sites known (report at 22).

We note that - besides raptors, the 20 species with the highest overall use avoided grasslands, and report at 20 "perennial grassland (the habitat type which was more consistently avoided by birds than any other type)". This accentuates the importance of the native sagebrush, juniper and other vegetation of the Cotterell Mountain, compared to much of the burned, crested wheat-seeded or weedlands in many other areas of the BFO and southern Idaho.

How will blasting and other activity affect site hydrology, springs, and aquifer characteristics?

ES-21. The claim that sage grouse will be displaced from only 3395 acres is absurd. Sage grouse use a much broader habitat areas over the course of the year. By your displacement of grouse (especially with numbers as low as that shown by the lek counts) from CRITICAL habitats, populations will be diminished, and blink out, plus you have never provided sufficient info on noise, operation, etc. disturbance, or mesopredator release.

How will the prey base for raptors and other important species be affected?

RESPONSES

The Royal Dutch Shell Corporation's financial information is available to the public on the companies web page located at www.shell.com.

BLM understands the potential for impacts to result from the proposed project. However, we recognize the opportunity to collect good scientific data on wildlife impacts resulting from wind energy developments in sagebrush steppe habitats. BLM also recognizes and clearly states in the Draft EIS that potential impacts to resources such as sage-grouse would not be expected to be significantly different between action alternatives. That being the case, BLM felt the need to balance the use of public lands for energy production with potential impacts by maximizing proposed project energy output while modifying the proposed action to minimize potential environmental affects.

COMMENTS

Letter #40 (continued)

How has placement of MET towers altered wildlife use, or caused wildlife avoidance, of areas? Were baseline studies conducted before MET Tower placement? Where is the data? Where are/were MET towers in relation to leks?

It is hard to understand how all of this blasting, digging, road-cutting and turbine placement could occur here – and yet there would be “no effect” to cultural sites.

The socioeconomic info shows that this will be a typical boom and bust proposal. Low-paid or short-term workers will be present during construction. After that, there will be little boon to local communities, and there will be a large loss in recreational opportunities and lowered quality of life, and lowered property values for an entire area.

ES-25, 26 The improved “public access” claim of 25 more miles of roads must be explained in the context of roads to what? Giant road cut scars and dead birds on a ridge top?

Please compare current road densities in the Cottrells to road densities elsewhere in the BFO. The degree of change must be considered.

How far can raptors, sage grouse and other special status species hear noise of turbines? Blasting? Other operation or construction noises? Please develop a comparative chart of bird hearing by species for various sounds and decibel levels. Will sounds be audible to bighorn sheep in the Jim Sage?

The DEIS, despite being a wind project, is curiously devoid of substantial information on wind speeds, wind direction, seasonality of winds, etc. There is little information presented related to wind direction – both regionally, in the Cottrells, and even more locally in association with individual ridges – which may bear importantly on how the project could be better-positioned (or not able to be positioned at all) to avoid flight patterns of migrants, or of raptors to and from nests.

Why have you not considered seasonal avoidance of turbine operation --- to avoid spring and fall migration periods, and spring nesting periods?

ES-21. How much blasting, drilling, digging, percussion, etc. will occur? When? Are there seasonal avoidance criteria to protect all nesting birds for all of these activities? If not, why not?

ES-27. We are alarmed that the EIS contemplates “no changes” in livestock. Livestock significantly alter critical habitat components for native wildlife species – food, cover, and space. Displacement of native animals to marginal habitats, disturbance and possible increased predation occur due to livestock grazing, too. This project would construct/upgrade an additional 25 miles of roads; result in large noisy areas avoided by wildlife; and result in habitats for sage brush species that evolved in relatively featureless landscapes to being peppered with tall, vertical objects that would cause both avoidance or direct mortality. As a result, there will be highly significant impacts. You must assess

RESPONSES

J. Fish and Wildlife Service interim guidance.

The BLM Field Office, District Office, State Office, and Washington Office managers and technical staff met several times with their USFWS counterparts regarding the Guidelines, including hosting their USFWS counterparts and Dr. Benjamin Tuggle, on a tour of the proposed project site. In the interim BLM has formally adopted its 1) Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States and 2) Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy. It is BLM's understanding that the USFWS withdrew its interim Guidance as announced on September 29, 2005 at an American Wind Energy Association Meeting in La Quinta, California.

COMMENTS

Letter #40 (continued)

the additive and cumulative effects of livestock grazing impacts, and develop ways to mitigate. You must also examine the habitats used by wildlife populations, or individuals, affected or displaced by the Cotterell Project over the course of the year. What allotments do the sage grouse move through to get to winter habitat on the ridge? Where do birds from Cotterell leks nest? How about mule deer? What allotments do golden eagles forage over?

Why are you not considering as mitigation, or alternatives, reducing AUMs and restoring habitats in nearby disturbed areas? We suggest, as partial mitigation, along with buying land of comparable area and value, you pursue grazing permit buyout from the public land permittees.

The assessment of the Visual Impacts is a joke. This project will be visible from large distances – its road scars, turbines, etc. No adequate scientific methodology has been applied to this.

Likewise, the conclusion that “impacts to property values would be “no effect” is false. The noise and disturbance of project construction and operation will negatively affect quality of life. The project will scar, alter and destroy many of the open space amenities sought both by recreational visitors, and residents who move to small towns like Albion. Instead of moving forward with this project, BLM should evaluate other alternatives on the flat.

ES-29. BLM must systematically assess and describe the sagebrush habitat fragmentation that exists across the BFO and southern Idaho. This includes an assessment of past BLM vegetation treatments and a linked study of their current condition/weediness, livestock infrastructure (fences pipelines, spring projects, water haul, salt sites) road densities, etc. have failed. This includes acreage of treatments, fires, etc.

As an outcome of this process, a map of fragmentation (facilities, treatments, fires, ag, or developed land, roading, etc.) across the landscape must be produced. This should serve as the basis for placing IN CONTEXT the wildlife habitats and populations affected by the Cotterell project, and assessing cumulative impacts of fragmentation and factors causing it. Please note studies conducted on sagebrush-dependent songbirds that show that as habitats diminish, populations may disappear before all available habitat is lost. This means that habitat loss and population decline is not linear, but appears to cross a certain threshold, or series of thresholds after which birds just do not inhabit or use lands for nesting. Past fires, vegetation treatments, etc. must be evaluated as well for their effects on populations.

Also, how will the extirpation of sage grouse in the Cotterells further serve to isolate other populations? How does this apply to all other special status species here?

With all the transformers, explosions, electrical lines, and constant human disturbance that will result, how will fire danger be heightened? How will these fires further alter and destroy wildlife habitats? Will the wind company be responsible for all suppression costs.

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RESPONSES

K. On- and off-site mitigation.

Reclamation of disturbed areas both post construction and upon project termination is described in Appendix C of the Draft EIS. The Draft EIS identifies mitigation where possible to reduce impacts to the fullest extent. However, mitigation for some issues not available. Where possible, additional mitigation has been provided in the Final EIS. The Draft EIS does not claim that the specified mitigation will reduce the potential impacts to levels less than significant. On the contrary, the Draft EIS states that impacts to several resources (birds, bats, visual resources) could be significant.

The concept of “full mitigation” on the proposed project is very misleading. A mitigation requirement must be tied to a known impact and many of the impacts indicated such as extirpation of sage-grouse are based on opinion and anecdotal evidence. BLM is using Adaptive Management as a tool to provide mitigation for impacts that are currently unknown but that may be discovered in the future through monitoring.

COMMENTS

Letter #40 (continued)

As part of mitigation, we ask that ONLY natives be planted post-wind company fires, and that Shell pay the full cost of planting, and re-planting, until weed-free native vegetation becomes established.

ES-30. BLM is well aware of the plans it had in the Jim Sage for massive alteration of the landscape. We do not believe these have really gone away, and we fear BLM will try to conduct massive treatments in the future. Please reveal the size, location and areal extent of such proposed treatments in the Jim Sage or other BFO or National Forest lands.

Estimated Wind Speed. What is the basis for the "estimated wind speed" map. How does this change seasonally? What are problems -- such as winter weather complications, violent storms -- associated with "fair", "good", "excellent, outstanding wind opportunities? We note that there is not a large numerical difference between "fair" and "good" wind sites. Who derived this scale -- the wind industry?

How much further will the sound of turbines on a ridge top be carried in the downwind direction than on flat land?

If the Cotterell migration corridor becomes unusable, where will birds go? How do winds over the Cotterells compare to winds over other north-south prairie features in this region? How will loss of birds and populations (or perhaps even avoidance of the area due to noise, visual disturbance, etc.) affect or shift birds to other migration routes? Please note: the 14 springs and the vegetative resources associated with the Cotterell mountains may be critical to migrants, and loss of habitats and resources here may not be readily replaceable. For example, this may be especially so for water for fall migrants, or relatively open snow-free areas for spring migrants. The Cotterells are a relatively low elevation north-south range, and so may be snow-free sooner, and vegetation phenologically more advanced, so greater insect production would occur.

Where is year-round data on bird migration, including at night, here? We can't find it in the EIS, and it is essential to understand the current setting, and predict or assess future impacts.

While 1-4 describes the project area as being 4,545 acres, it extends 16 miles N-S, and out ridges. How much land area, total, will be affected by all the road changes, all the infrastructure, etc.?

2-1 inaccurately describes alternatives in relation to sage grouse. There is no study that shows that the one alternative makes the "complete protection" of sage grouse by "severely reducing" areas.

Why do you still need MET towers after the turbines are placed? Why can't any wind measurement devices be placed on turbines? Does continued use or placement of MET towers mean that this is only Phase One of a project that may expand, and further destroy habitats?

RESPONSES

Mitigation may only be required of the Applicant within the Proposed Project area. Off-site mitigation cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. The \$150,000 is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this proposed project. Although BLM agrees that mitigation should be described for and tied to specific impacts as suggested by WWP, we are reluctant to assign specific mitigation to potential future impacts that may or may not occur.

BLM would not develop mitigation for a wind power project sited on private land.

COMMENTS

Letter #40 (continued)

We are alarmed that, despite public comments pointing out the harmful effects of these towers that are too tall, you are persisting in using these giant and harmful facilities --- towers 210-262 feet, and rotor diameters of 230-328 feet.

BLM must require that all road layouts be detailed before any analysis can occur. The energy company apparently wants to you to leave everything wide open, BLM can not issue a necessary right-of-way without Shell revealing all necessary info. What brand of turbines will be placed in what exact locations --- so plans can be adequately developed and analyzed, and it will be known which cranes will be used? Why does the energy company constantly keep trying to get by on the cheap --- instead of clearly laying out in front of the public what its plans are?

2-5 describes "new, all weather turbine string roads". BLM promises great things for these roads. Yet --- Where are the design specifics for each road --- Location? Size? Switchbacks? Cut? Fill? Visibility from various directions? Etc. It is impossible to estimate anything ranging from base fill needed to visual impacts to vegetation communities destroyed-- unless this is specified.

Another concern here is the transmission lines, and supposed raptor proofing. The Air Force in the Jarbridge BLM lands claimed to be raptor-proofing its new transmission line to the Juniper Butte Bombing Range. Instead, they created a perching mecca for raptors. We predict the same will happen here.

Plus --- BLM never assessed the impacts of sandwiching small pockets of less disturbed grouse or other species habitat between the major freeway and the top of the mountain. The Sage Grouse Conservation Assessment (Connelly et al 2004) provides evidence of grouse avoidance of areas near major roads (even if habitat features are present). In the case of the Cotterells, BLM never assessed SUITABLE habitat that may remain a SUITABLE distance from major roads and development. Further, other DEIS maps show just how very fragmented the landscape already is. See 3-83, Figure 3.6.-1 Land Ownership showing large amounts of private land, much of it ag. and often not irrigated, is devoid of sagebrush or any other suitable habitat components. This map also shows how narrow the band of still-wild public land is across parts of the Range. --- only 2-4 miles wide. The wind turbines and development will be placed in the middle of the only wild public lands, and grouse will be extirpated. Page 3-14, Map of Vegetation Communities. Note the extensive "grassland community" of green stippling shown on this map. Is much of this weedlands --- included in the "grass" category, lacking no sagebrush or other suitable habitat components for sagebrush species. The map shows that low sagebrush and big sagebrush are very limited.

BLM never reveals the condition, and the health of the overstory and understory vegetation, or the soils, in the remaining public lands here. Plus, BLM never reveals how weedy the sagebrush habitat is.

Of great importance, also, is the juxtaposition of habitat components. For example, where are the 14 springs and seeps, and wet meadow areas that may provide critical summer

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RESPONSES

L. Impacts to big game.

It is likely that, as described in the analysis, mule deer will habituate to the presence of the proposed project. The loss of winter habitat (which has not been identified as crucial by either IDFG or BLM) would be minor as compared to the total available.

Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

M. Concerns regarding issues deemed outside the scope of the Draft EIS.

The reintroduction of big horn sheep to Cotterel Mountain is deemed outside the scope of this EIS because the IDFG has no current or future plans to ever reintroduce big horn sheep to Cotterel Mountain. Impacts to sagebrush steep habitat from livestock grazing are outside the scope of analysis. The Draft EIS analyzes resource that could potentially be impacted by the proposed project including impacts to sagebrush steep habitats. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy

COMMENTS

Letter #40 (continued)

brood rearing habitat for sage grouse, watering sites, in relation to infrastructure? If grouse movement is cut off, or inhibited due to their avoidance of infrastructure or constant disturbance, critical habitats will disappear. Plus, BLM never reveals the current condition of these areas, or existing or proposed impediments to grouse use here – such as fences.

While it is nice that you show “typical” road features, we need to know where these will be located on the landscape in order to understand the impacts to wildlife, associated erosion, how significantly the visual nature of the landscape will be changed, etc.

While you claim to limit lay down areas, and other turbine assembling disturbance, you have not provided necessary data on the plant communities that will be disturbed here. How old is the low sagebrush, mountain mahogany, juniper, etc. that may be disturbed or killed in this and all other features of the project. Could helicopters be used in any part of this to limit ground-based disturbance, road construction, etc, and thus avoid road construction?

2-16. Where will the overhead transmission lines be located? What will be the routes of the underground lines? What is meant by locating trenches “in or near” access roads? Will they be offset by a hundred feet? Ten feet? Why can't they be placed in the roads?

Why can't the batch plant be located down on the weedy flat?

What is the basis for the absurdly minimal ¼ mile eagle nest avoidance area?

While there is some limited discussion of noxious weeds, there is NO commitment of any kind to control invasive species – especially aggressive cheatgrass, halogeton, mustards, etc. across the project area. There is no baseline data presented so that a reasonable decision can be made.

2-33. Please provide a map of ALL the roads, including primitive, that are discussed here. Why can't some of the disturbance be immediately reclaimed?

2-35 is outrageous in claiming that it is necessary to conduct “effectiveness monitoring” in order to understand the relationship between the project design, tower siting, facility operation and effects on wildlife. You claim that “based on info from other wind farms, effects are mostly associated with bird collisions. However, here you are constructing a facility in sagebrush habitat – how many of these other sites were built in sagebrush habitat?

“Adaptive Management”. Most of what you claim would be done as “adaptive mgmt” should be done at the beginning. In fact, the Action you rejected (F) alt with the fewest turbines is likely where your adaptive management will lead, if you view only this site as an alternative. Of course, necessary adaptive changes will never be allowed to proceed as will be needed – due to the political power of Shell that will prevent any important

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sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's application is therefore outside the scope of this EIS.

N. Concerns regarding wildlife and avian population, habitat and migration.

The proposed linear north – south project would occur in a narrow corridor along Cotterel Mountain occupying an area of approximately 200 acres. The majority of Cotterel Mountain would remain unaltered following project construction and during project operation. Nocturnal radar surveys conducted on Cotterel Mountain showed that over 95 percent of migrating birds or bats flew well above the maximum height of the proposed turbine blades. Therefore the proposed project would not interfere with the majority of night migrating birds or bats. The fall raptor migration survey conducted on Cotterel Mountain did not indicate a defined flight corridor along the main ridgeline of Cotterel Mountain. Flight paths were more concentrated along the lateral portions of the mountain. Although avian species utilize the area that would be occupied by the proposed project, it appears, based on the data collected, that the proposed project would do little to block north-south avian migration.

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adaptive actions from happening. So – why not either abandon the Cotterell site right now, or scale it way down?

There is a lot of “learning” that can be gained from listening to sage grouse experts and others right now – reviewing the Connelly et al. 2004 Sage Grouse CA, and “learning” that you are putting this in the WRONG place.

What thresholds will be established to trigger changes under this scheme? These should be clearly specified, and triggers put in place, as part of the “adaptive management” scheme.

ALL the things described at 2-35 under “Adaptive Management” should be Standard Operating Procedure from the very beginning – no matter where a site is developed. They should be incorporated under all alternatives. These include, but are not limited to, timing stipulations during construction, changes insisting of turbines – from areas where you know there are going to be problems – scaled down to at minimum rejected Alt. F, and if siting guidance was followed, you would find another site, where lighting scenarios and other most other mitigation was not necessary. The available science on this is: Don’t site your facility in the path of migrating birds or bats, and lighting will not be as big an issue.

Why is there no noise mitigation? Why is there no noise modeling? How will noise change, or be more or less audible, with alternative siting? With wind direction change? Over the course of the year?

Regarding color schemes: Again, don’t site your facility in the middle of a scenic wild land ridge top, and you won’t have to worry about color schemes.

It is interesting that you mention the MBTA and Bald and Golden Eagle Protection Acts. We believe you are in direct violation of these acts by placing facilities on the Cotterell Mountains.

2-36. BLM has selectively chosen the scoping issues it wants to address, and ignored WWP’s scoping comment issues. We have reviewed the Federal Register Notice, and there is nothing in it about maintain an economically viable project. That was not what the public has been informed is the purpose of this project.

Where is the information on hazardous materials and pollutants that may be involved in construction or operation of this project? There are PCBs in transformers, and many petroleum products with hazardous ingredients may be used in this project.

2-42. We note that you state: “the Applicant’s analysis and disclosure of a minimum size project is based on the cost of infrastructure” which is related to the mountain top, number of roads, etc. This further demonstrates that BLM should have considered a range of alternative siting.

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The Affected Environment portion of the Draft EIS lumped together species that utilize similar habitats, as specific information on individual species was not always available. In addition, population data on many species that occur or potentially occur on Cotterell Mountain or its vicinity was not available.

The fatality estimates are on an annual bases using a 35 percent operating factor and are described in Section 4.6.4 (Pages 4-29 through 4-30) of the Draft EIS.

Fall radar night migration surveys were conducted on Cotterell Mountain in 2003. The results of those surveys discussed in Section 4.6.4 (Pages 4-28 through 4-29) of the Draft EIS.

Avian use surveys were conducted on the east ridge during both the year long avian point counts and the fall migration surveys. Section 3.2.2 (Pages 3-30 through 3-38) of the Draft EIS.

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2-43. Alternative "P" uses best available science. Why in the world would Shell not either use "best available science" -- or choose another site with far fewer impacts? This shows what a travesty this project is, and the greed and reckless desire to destroy the natural world in pursuit of so-called "green energy" that this bloody project is based on.

2-46. Again, this does not include basic information on how broad an area will be disturbed.

2-47 - 2-62. Summary of Comparison. There is insufficient or no discussion of many critical soils concerns: Wind erosion; eroding and dangerous roadcuts; soil erosion wind and water; hydrological process disruption; effects on surface water resources; damage to microbiotic crusts, etc.

The DEIS outright LIES about the "operation impacts" of noise. What do you consider a "sensitive receptor"? Residents near wind facilities complain vociferously about noise. Some birds, such as ring-necked pheasants, can hear car doors slam from 3 miles away. The claim that "operational impacts are not expected to occur" is false. Please conduct detailed analyses -- based on human habitation, recreational uses such as hiking or backpacking, sage grouse leks, effects to bighorn sheep populations -- such as those in the contiguous Jim Sage area, and important species. How will noise change with different environmental conditions -- winter vs. summer? You might wish to discuss noise modeling with the Air Force, and review noise information and techniques you will need to develop accurate models. You should commit to pre-project and during-project noise monitoring, and the adaptive management should include triggers for facility shut-down if certain levels are exceeded.

You do not reveal the size of the area from which animals may be displaced, or stressed. Plus, impacts are magnified if animals are displaced into sub-optimal habitats.

As previously discussed, we do not believe you have conducted necessary baseline studies to develop accurate predictions of mortalities of birds and bats.

Why are you allowing blasting during nesting season???? The raptor prey base would be affected by habitat fragmentation, road mortality weed invasions, and a myriad of factors you have ignored.

Likewise, sage grouse would be affected by fragmentation, disturbance, increased predation and predators, noise, visual distraction -- and resulting avoidance by wildlife, etc.

Why have you only considered a hand full of sensitive or special status species -- there are many that occur here that you have ignored.

The economic and community information omits any of the HARMFUL impacts of development here, including recreational losses.

O. Effects of noise.

Much of wind turbine noise is masked by the wind itself since turbines only operate when the wind is blowing. Noise from wind turbines has diminished as the technology of turbines has improved. Newer turbine blade design results in wind energy being converted into greater rotational torque with very little acoustic noise. The rotor blades make a slight swishing sound when rotating. Because of the technological advances and the distance of the blades from the ground (minimum 95 feet), even when standing immediately underneath a turbine, this noise is generally minimal. Vibration-reducing features are incorporated into the design of the turbines. On large modern wind turbines, the chassis frame of the nacelle is designed to ensure the frame would. Under most conditions, modern wind turbines are quiet.

P. Seasonal avoidance criteria.

Seasonal avoidance requirements are described in Appendix D of the Draft EIS.

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The description of ROWs here seems to imply that you anticipate a whole chain of new authorizations -- linked to this development.

What is the MAGNITUDE of the visual impacts?

Cassia RMP. The RMP had many Objectives that have direct bearing on the health and maintenance of lands and wildlife affected by this proposal. BLM has provided no evidence that it has fulfilled these management goals, including: "improve" lands in poor or fair condition; providing for particular numbers of mule deer throughout the year; providing for antelope; "maintain or improve" crucial deer winter range and safe-grouse brood rearing habitat acreages; protect ferruginous hawks from disturbance; control surface-disturbing activities on soils with high erosion hazard; protect any known and potential ferruginous hawk nesting sites; restrict activity near ferruginous hawk nest sites from Marcy-July; NSO within 1/2 mile of ferruginous hawk nests; maintain cover in deer migration routes; protect meadow seeps and springs; improve raptor habitat.

BLM must evaluate its progress, after 20 years, in meeting ALL of these RMP Objectives. Have you? If not, how will this project move BLM further away from meeting them?

BLM has much too narrowly limited the range of scoping issues. The Proposed RMP amendment is a gift to a wind developer who has refused to examine viable alternatives.

3-1. How will springs and aquifer flows be affected by the large-scale watershed disturbance on the Cotterells? What will be the source of water for various construction activities? How much water will be used in all phases of construction and operations -- ranging from the hatch plant to keeping the dust down on roads?

What impacts to birds would the transmission line over the Snake River have? We have seen avian mortalities associated with powerlines near water bodies -- example -- dead great blue herons.

In high water years, will sediment be transported to springs/nail habitats of the Snake River? When and how might this occur? What will the impacts be?

Map at 3-9 shows that there are many water resources that may be affected by this proposal. How many of these areas are in very poor or degraded condition (see series of Red Willow reports on riparian issues)? How will the Critical Groundwater Management Area be affected by water uses, or watershed or aquifer flow disruptions caused by this project? How much water will this project use? Who will be affected by aquifer or water resource depletion from the wind project? Are there other projects that will significantly alter flows planned?

3-13 states that inventories need to be completed prior to construction of the project!

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Q. Cumulative impacts.

The cumulative effects section of the Draft EIS has been revised in the Final EIS.

R. Changes in livestock use and permitting.

Impacts to sagebrush steppe habitat from livestock grazing are outside the scope of analysis of this EIS. The Draft EIS analyzes resources that could potentially be impacted by the proposed project including impacts to sagebrush steppe habitats. The impact of grazing on resources is assessed in the Final EIS within the Cumulative Effects analysis (Section 4.16).

S. Concerns over potential increases in fire danger.

The Draft EIS addresses fire management in Section 4.15.2 and specifically fire operations on page 4-66. The presence of wind turbines along the Cotterel ridgeline could interfere with, not eliminate, the use air attack suppression strategies. However, the accessibility to ground resources such as engines, hand crews and water tenders would be much improved as a result of the proposed project thereby reducing response times. New roads would also act as firebreaks, which would slow or stop the spread of wildfire. The outcome of these

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3-14-15. We ask that you provide maps that DO show the complexity of vegetation communities. We ask that all reclamation be required to restore the current (or if a "disturbed" site) – the potential plant community vegetation to the site. So, an adequate and detailed map of the vegetation community "complexity" is necessary for the public to review.

Why is there no description of the health or integrity of microbiotic crusts in any of these vegetation communities?

3-19. "Grasslands" – i.e. highly disturbed weed lands comprise 33% of the project area – but how MORE of the land area in this portion of the FO is also weedland? How has that already altered, fragmented, and caused lost habitat for sage grouse, migratory birds, and other species affected by this Decision?

3-20. Please provide proof that your claim that "these species can be monitored and controlled". We have NEVER seen BLM monitor or control tumble mustard or bluegrass? Plus, are you admitting that you can NOT control cheatgrass or bulbous bluegrass?

3-21. Why is there no study of nocturnal spring migration? This is a critical period for migratory birds. What sensitive, or T&E species may migrate over here at night?

3-22. Mule deer populations in Idaho have been decreasing since 1996, and 48% of the project area lies in critical winter range – some of which has been highly degraded by livestock and fire.

3-26. Why was only one bat recorded? What was the methodology, and when and where were bat studies conducted?

3-28. Were these really snowshoe hares, or white-tailed jackrabbits in winter pelage?

3-28. BLM fails to mention the regional and national significance of some of the bird populations in this area.

If this is "prime" habitat – why don't you examine alternative siting?

3-33. As approximately half of the birds observed were flying within the rotor swept area, doesn't that mean that we could expect mortality of AT LEAST half the birds that use this area, and likely a lot more?

Why did you not use radar, or other techniques to establish a baseline, and quantify and monitor night migrants here? This is necessary over the course of two years.

The National Wind Coordinating Committee in 1999 identified basic information and steps that must be taken to understand project impacts. The Cotterell EIS ignores: study of nocturnal migration (radar, cellometers, acoustic monitoring); the uniqueness of the

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tradeoffs would be that suppression forces would likely use more indirect tactics than would normally be employed.

T. Concerns over hazardous materials and pollutants.

No hazardous materials as defined by CERCLA of 1980, as amended, 42 U.S.C. 9601 *et seq.*, would be used in the construction and operation of the proposed project, if it is approved. Appendix C of the Draft EIS (Best Management Practices) discloses requirements that the Applicant will have to meet regarding protection of resources from any pollutants, including petroleum products, used during construction and operation of the proposed project (Page C-12). The Applicant will prepare a pollutant spill control plan that will be included in the Plan of Development.

U. Effectiveness monitoring and adaptive management.

As described above the adaptive management discussion in Section 2.5.4 (page 2-33) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

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site (sage grouse, geographic location/setting elevating importance); collect data for 2 or more time periods (years); before/after controls; peer review by scientists not subject to political pressures as agency people are – especially in Idaho BLM; multiple reference areas; understanding of pacts on local populations and populations distant from site but move through. There is no sound modeling framework, no quantification of adult survivorship; no determination of the spatial structure of affected species populations; no quantification of species reproductive output and breeding density (example for sage grouse - beyond flocks in project area – what about the population geographic extent of interacting birds – this has never been described or defined), placing development in context of habitat loss facing species – in the local, regional and westwide arena. You must address: adult survivorship, spatial structure of a population, quantify reproductive output and breeding density, assess habitat loss, determine the effective population size of affected species.

3-38. Describes the abundance of raptors and nesting sites here.

3-47. You describe a 50% decline in abundance of sage grouse in 2004, compared to 2003. How might the MET towers, hole drilling (= operation of heavy equipment – crosscountry travel?), survey disturbance, and other activity associated with this project already have affected grouse use and movement?

3-49. You describe a grouse movement study, but do not describe WHERE critical wintering and other areas are located. Where is the information from the wintering study? How many birds wintered here, and how large an area, do birds of populations using this site encompass?

3-49. What in the world do you mean by "Brewer's sparrow could potentially nest on the Cotterell Mountain"? Of course they, and other species you describe, nest there. How could you have conducted credible analysis without having an understanding that Brewer's sparrow nesting was occurring? Also, please provide data on the structural and age class characteristics of the sagebrush communities found on the Cotterell Mountains, as you cite references describing Brewer's sparrow preference for "large living sagebrush" for nesting. How is livestock grazing altering the structure of special status species habitat components here? Further, when we went to the Idaho bird atlas, we found that info for Brewer's sparrow also included: distribution influenced by BOTH local veg. cover AND landscape-level features", i.e. not fragmented by roads, wind towers, weeds, etc.

We appreciate the DEIS including the information on the age/structure of shrubs required by several special status shrub-steppe birds here. This is a positive part of the DEIS. How will the facility development fragment blocks tracts of STRUCTURALLY suitable sagebrush for Brewer's sparrow, sage sparrow, sage thrasher, loggerhead shrike? This is important information that BLM should include in all grazing assessments, too.

The Wind Company appears to have greatly constrained its inventory of cultural sites. 3-61 states that 14-mile long 400-ft. wide linear corridor was examined. Plus, there will be

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long-term human disturbance across much of the area under various monitoring or operational activities. This is not valid, as you plan to build facilities in as yet unknown locations, with roads leading to them. The entire mountain and slopes must be inventoried. You can not adequately assess impacts without doing so.

How can you have found no rock blinds, or other rock features commonly associated with Native American use of high windy ridges in southern Idaho? We are very surprised? What cultural resources are associated with springs and seeps shown on the EIS Map?

Economic information that is presented shows that recreation is a growing part of the economy. You never reveal the "value" of the rec. jobs compared to ag. jobs -- Are they higher paying?

It seems that 3-69 mixes categories that are associated with recreation (i.e. fishing) into "ag". How might this distort analyses?

3-69-70 also describes recreational activities, yet you provide no assessment of how this project may harm each of these activities. If you degrade an area that is at the hub of growing recreation in southern Idaho, how might that ripple harmfully throughout recreational portions of the economy? Activities specific to Cotterells include: dispersed hiking, hunting, wildlife viewing, OHV riding, and hang-gliding.

We are concerned that you have not discussed OHV designations associated with the old LUP. How will you prevent extensive OHV damage between roads and trails that are created or upgraded as part of the extensive road alteration created by this project? How is this area described under the LUP?

Under the Lands section, you have failed to adequately describe the segmented land disposal/trade action that is linked to the wind development. See WWP Scoping comments. What is the current public access situation?

3-85 shows there is a high degree of uncertainty in the period of livestock use in the Cotterells. That significantly adds to its the harmful impacts to sage grouse and other wildlife that may be nesting, birthing, fawning, etc.

The DEIS fails to describe the use levels it allows for livestock, or assess their adequacy in providing necessary habitat components (such as residual cover) for sage grouse nesting, or adequate shrub structure for Brewer's sparrow and other sagebrush-dependent species.

Please provide a map that shows the "more than 100 range improvements", and conduct analysis showing their effects on the environment and wildlife habitats, weed invasion and spread, -- example, fences conflicting with sage grouse needs or antelope movement, livestock water project extending use into sage grouse nesting areas. How much are these

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facilities, and the highly uncertain levels and timing of livestock use here, likely to impact wildlife species and populations?

Do you anticipate more or larger communication towers or other related rights-of-way here? What about changes in size or siting? Where are maps and analyses showing where these facilities are located in relation to the project facilities, roads, important habitats, etc.? Please provide maps that depict all of this – as it is important to understand how many unnatural vertical features may interfere with sage grouse use of this site.

Please provide data the shows that the 7 acres per AUM stocking rate is based on current data. What areas are and are not suitable or capable of supporting livestock in the Project Area?

In review of the Lit. Cited, we found no citations to the excellent reports on the conditions of springs and seeps, and other livestock grazing problems documented by Red Willow Research in the BFO over the years. All of these impacts to wildlife, waters, etc. must be considered here, too — especially since they may be responsible for the already perilously low numbers of sage grouse in leks here.

Map 3.1-2 of “Springs in Project Area” shows that the project area is far too constrained. As this project may interfere with watershed processes across the landscape, a much broader Project Area/Impact Zone must be identified, and studies conducted across that area.

Please explain how the list of RMP Objectives on 3-92 will be hindered, set back, or unachievable with development and operation of the Proposed Action.

3-93. Your analysis of visual impacts not take into account the wide-open nature of the landscape — where even fence posts may be visible for a mile or more. Plus, you have not provided detailed mapping to allow understanding of vegetation or other and screening effects. Since we don't even know where facilities will be located, how can you evaluate visual impacts?

It is false to claim that “by adjusting project designs so that the elements are repeated, visual impacts can be minimized”. This seems a self-serving justification for constructing a WHOLE LOT of “identical” wind mills. It is false to claim that by “projects the repeat design elements are in harmony with their surroundings”. Maybe if you are in Manhattan not if you are in the Cotterell Mtn. Wild lands of southern Idaho.

BLM can not have conducted necessary Visual Inventory and Assessment. We also believe the LUP Visual Classifications are tied to the antiquated view taken by much of that plan, and if a new LUP were conducted now, the Cotterell would receive a higher visual protective rating (II), due to the increased fragmentation of habitats elsewhere, and increasingly great value of wild recreational lands such as the Cotterell Mountains. This is especially so since nearly everything else in BFO lands (except the Jim Sage) is more

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degraded and altered- so the Cotterell Mtns. and Jim Sage are the remaining bastions of wildness and quiet.

How will the project alter or increase wild land fire danger? The DEIS states that from 1984 to 2003, 290 fires totaling 145, 233 acres of BLM lands burned in the Albion FMU? Where were they located? Are acres repeat burns? What are the boundaries of the FMU? Please provide a map.

3-99. Which lands in or near the Project area lie within each the FRCCs described at 3-98 and 99? How will this project alter FRCCs? Please note that FRCC3 states: "the risk of losing ecosystem components from fire is high ... These lands are at greater risk of ecological collapse". How will this project add to the risk of collapse?

4-1. Knowledge will indeed always be scarce if agencies or their contractors do not do an adequate job of collecting reliable and sound baseline data. Doing cultural surveys conducted only in a narrow band in a project areas destined to be laced with access roads and other facilities is an example of purposeful wind industry and agency efforts to keep knowledge at a low. Likewise, the failure to conduct radar tracking of night time migrants is also of concern. The failure to provide adequate vegetation maps. The failure to provide necessary data so that the public can determine if biological inventories are adequate.

While you claim "basic ecological relationships are well-established" yet you don't investigate or analyze many of these relationships - spring flow, watersheds, fragmentation, risk of crossing new thresholds as the project inflicts additional fragmentation, etc.

No information is provided on current populations, predicted populations post-development/during operation, or minimum viable populations.

It is interesting that you note the private facilities that are now operating on the flat lands (4-3). This shows there is ample wind in many other sites.

Please see all of our preceding comments pointing out questions, concerns, deficiencies related to Environmental Consequences of using this site. Example: Biological resources - as you don't know where the specific sites and many roads will be located, there is no way to understand or assess the impacts on specific vegetation, species, etc.

As you haven't provided necessary veg info to understand the community characteristics and interspersed, areas of tall older sagebrush required by Brewer's sparrow, vs. low sagebrush -where particular species would be nesting, it is impossible to understand how much habitat or population loss may be expected.

Where is a map that overlays the info in Table 4.6.1 with project facilities and roads?

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If particular weed species are introduced, how rapidly will they spread? How does the health of veg. communities (related to grazing) affect invasibility/weed spread. Again, we haven't any info on current ecological condition, soil stability etc. across the project area.

How can you possibly claim that disturbed areas WOULD return to their pre-construction state – if they are as disturbed as the FRCC info relates?

4-18. Your analysis of impacts to native biota is deeply flawed. Example: 4-17, 4-18. You claim that species displaced during construction will return. This ignores the impacts of vertical structure, habitat fragmentation, effects of noise and visual stimuli, human disturbance, increased predator presence as roads facilitate movement, etc.

It is false to claim that primary effects would occur in direct proportion to the amount of potential habitat removed by Project construction. The impacts of the project and its facilities and infrastructure radiate out across the landscape, and will affect species that avoid vertical objects, noise human disturbance fragmented habitats – over a much greater land area than you are willing to admit.

You claim that nesting passerines will use areas within a particular distance of turbines. The Ledy reference is a reference related to GRASSLAND, not sagebrush birds.

We are very disappointed that you don't honestly address a wide range of harmful impacts, and assess the risk of habitat and population loss.

4-19. Since the amendment ONLY prohibits additional facilities on Cotterell Mountain, it leaves the door wide open to a "gauntlet" on the Jim Sage, or in another Burley or USFS lands, as well as private developments, or in lands to the north in the same migration path. What projects are being contemplated, and what will their impacts be to the same populations or migrants??

What in the world do you mean by "understanding how a wind facility functions"? This is supposed to be the job of the EIS! (4-19). Is this one grand experiment at the public's and wildlife's - expense? Is this an experiment?

Since bats follow moth migrations, shut down the facility during this brief period.

Have you conducted inventories for pallid bat and other species hibernacula or nurseries across the Cotterell and Jim Sage area? Where are zones of bat use or concentration?

4-23 states: "a comparison of spring radar data and nighttime fatality estimates at the Stateline ... wind plants indicated that between less than 0.01 percent to 0.08 percent of the targets passing through the area resulted in fatalities. We have no idea how many "targets" are passing through the Cotterells, because you have failed to collect that data!

WHY IS THERE NO RADAR DATA? This data must be collected, and is essential for understanding the importance of the area for avian migration, for assessing facility

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construction and operation impacts, and incorporation of necessary mitigation (such as not operating turbines at night during migration periods).

We strongly oppose siting of this facility on a Special Resource Management Area, and a zone of semi-primitive motorized recreation. Please provide maps that depict the overlay of the Project area with these RMP zones. This further demonstrates the need to examine alternative sites. How many SRMAs are there in the BFO?

How will you monitor fatalities? Shell must be required to fund an independent party to conduct daily monitoring of fatalities. What fatality level will trigger changes? Turbine shut down? Facility shutdown and relocation?

4-33. Move the facility outside the eagle use zone – since all signs point to high eagle use here.

4-34. Greater sage grouse. The population here is already very low – only 50 males, and it decreased by 1/3 from 2003 to 2004.

We do not believe that info is “incomplete and unavailable” regarding very likely impacts of the project on sage grouse. It will introduce significant year-round disturbance, extensive habitat fragmentation, and grouse avoidance/displacement on this critical lekking, nesting and wintering site. Any one of these factors can be expected to have significant detrimental effect.

Cumulative impacts also include siting and operation of other wind or energy facilities, hazard fuels of other veg. manipulation projects, habitat fragmentation processes across the landscape, livestock degradation of habitat further impairing or fragmenting, effects of livestock facilities/infrastructure, increased roading associated with developments, shifts or displacement of wildlife as a result of deforestation, fire, etc. See Connelly et al. 2004.

The “irreversible and irretrievable commitment” grossly underestimates recovery time for native vegetation communities – from low sagebrush (may take a 100 years or more to recover to pre-disturbance conditions) to juniper 500-2000 years of age), to mountain mahogany (can live to be 1350 years old).

As this area may serve as a regional wintering area, how much will development here affect sage grouse populations across the region? Why have you not included an analysis of these populations, their numbers, trends, etc.? How is this population connected to, or isolated from, other populations?

The Interim Wind Energy Development Policy (Appendix B) is violated by the Cotterell Project, as you have not made a legitimate effort to avoid negative impacts. These can be minimized by: avoiding special management areas, avoiding major avian migration routes and areas of critical habitat for species of concern, establishing siting criteria to minimize erosion on steep slopes, utilizing VRM guidelines to assist in proper siting of

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facilities, avoiding significant cultural resources (Tribes have already expressed concerns to you), and mitigating conflict with other public land uses. Many of the conflicts/impacts here are unable to be mitigated.

Appendix C. Are these compiled BMPs intended to show what will be included in a Right-of-way? They are inadequate. So far, there is no complete plan of development so that all necessary BMPs can be put in place. Where is the weed plan? We have seen no description elsewhere of the new fencing this contains. Where will it all be located, and what will its impacts be?

These BMPs clearly allow crosscountry travel with vehicles or large equipment – as long, apparently, as the blade isn't down. This means you must conduct cultural and other surveys across the whole area, including outside the Project Area. Powerlines should be buried.

BLM must attach specific construction and operation avoidance mitigation procedures to any r-o-w – from activities ranging from blasting to site operation. The R-O-W must also have a specific set of triggers for termination of site operation if specific environmental costs rise too high. Triggers for termination must be part of the BMPs, ROW.

We request posting of a billion dollars or more as a bond – as this project will cause long-term scarring of a scenic mountain range, destroy peace and tranquility of wild lands and rural areas, and destroy local and perhaps regional sage grouse populations through loss of critical habitats, including winter habitats.

The Wildlife BMPs are extremely limited, and will make little difference. Examples:

There is no info on exactly how many guy wires there will be (or are on the MET towers now present – how are these marked??), so we have no idea what "minimizing" guy wires will entail.

- WWP commented: Towers over 200' in height have proven to be the most hazardous. (Manes et al. 2002). The Cottrel towers are intended to be 250' in height (BLM scoping notice). This, and many other scoping comments were ignored.
- Impacts other than collisions are cause for greater concern; including the fragmentation of grassland and shrubland habitats by wind turbines and associated infrastructure. "Significant evidence suggests that wind power development may entail threats to rare wildlife species and to fragile ecosystems that are already diminished... The greatest of these may come in the form of landscape fragmentation and habitat abandonment by grassland [or shrubland] birds..." (Manes et al. 2002)
- "Of particular concern are threats to prairie grouse (sage grouse, sharp-tailed grouse, and lesser and greater prairie chicken)...life cycles of prairie grouse

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require large expanses of unfragmented, ecologically healthy rangelands... Unbroken expanses of these grasslands and shrublands are also important travelways for migrating birds and mammals (Manes et al. 2002).

- "Species that use leks may be especially susceptible to disturbance from tall foreign structures and from noise, which may disrupt their mating communication... biologists are especially concerned about the intersection of the continent's most important grouse habitats and prime wind generation regions. Sage grouse... avoid areas that have tall structures that could serve as perches for predatory birds. There is evidence that this behavioral avoidance occurs, even if anti-perching devices prevent raptors from using towers and poles as hunting vantage points." Other avian species show tendencies for abandoning otherwise suitable nesting sites when tall structures are present. (Manes et al. 2002)

Use bird deflectors on ALL powerlines above ground. Turbines should be placed 4 MILES, not ¼ mile from golden eagle nests. Fatality monitoring is much too infrequent. This is laughable--if bird death hotspots are found -- you will monitor more -- but there is no trigger or point at which a site will be shut down? There is NO avoidance for any other species, including other nesting raptors.

Sage grouse get only the slightest Wildlife BMP --- not blasting during lekking. Avoid facility siting within 4 miles of leks and wintering areas.

You must first conduct necessary radar monitoring of migrants, and track changes over time.

All of the unavoidable adverse impacts could be avoided in another site!

We remind you that Manes et al. (2002) made the following important recommendations:

A key tool for avoiding unnecessary negative ecological impacts of wind power development is planning. Landscape-level examinations of key habitats, migration corridors, staging areas, and even scenic areas should be used to develop general siting strategies. This approach, combined with assessments of wind resources, will help to ensure that turbines generate the greatest power and the least ecological disturbance and controversy.

Wind power facilities should be sited on lands that are already altered or cultivated, away areas of intact and healthy native habitats. If this is not practical, then fragmented or from degraded habitats should be selected over relatively intact areas. Use of Landsat Thematic Mapper (TM) satellite imagery may help to differentiate between intact landscapes and fragmented areas. Turbines should be grouped together, instead of being scattered across a landscape, and they should be situated in a way that does not interfere with important wildlife movement corridors and staging areas. Turbines should be

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situated along the periphery of such landscapes, particularly if the identified corridor or area is small.

This, and all other guidance in the Manes publication should be followed by BLM, and alternative sites examined.

Springs, Seeps, Wet Meadows, Springbrooks, Streams

BLM must conduct a full inventory and assessment of the location, condition and characteristics of all spring, seep and wet meadow areas, including historically wetted sites. BLM must study the role of historic and ongoing livestock grazing and trampling activity (and other disturbances such as roads) in altering, degrading or desiccation of these scarce sites. The inextricable link between the health of springs, seeps and wet meadows and watersheds must be addressed.

Then, the impacts of the Cotterell Project on top of the degradation must be assessed.

There is abundant evidence of the failure of past structural or excavational developments and its failed riparian management actions – especially accompanied by high livestock stocking rates - to protect public land values.

Springs are “hot spots” in arid lands. 75 percent of 505 springs surveyed by Sada in northern Nevada were highly or moderately disturbed (Sada and Herbst 2001). Degradation of springs is widespread, especially within arid lands like the BFO. Their isolation and small size render many spring communities particularly vulnerable to disturbance and loss.

“The continued development of springs for livestock by ranchers and state and federal agencies also poses a threat to the continued existence of spring biota”. These actions typically involve fencing off an area, immediately adjacent to springs, piping most or all of the water off the site to livestock tanks. Although some riparian vegetation may be retained, “the essential flowing character of the spring is lost, and often no exposed water remains on the surface”. Livestock grazing poses a serious threat to spring communities. Livestock trampling reduces substrates to mud, can completely eliminate vegetation, and alters flow characteristics. The magnitude is likely great because of complete alteration of vegetation and substrate structure.
www.biology.usgs.gov/s+V/SNT/ho/frame/gb150.htm

Sada and Pohlman (2003) provide a series of protocols to be followed to assess spring conditions. Given the scarcity of springs across these allotments, the extreme damage that has been caused by livestock grazing and other disturbance, often coupled the ill-conceived developments that have occurred, often killing all natural water flows at spring sources, BLM must conduct Level I (locate and provide reconnaissance level characterization of springs, delineate important species distribution and salient aspects of habitat, and unique circumstances/challenges) Level II (qualitatively sample riparian and aquatic communities to determine community structure quantitatively sample salient

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physiochemical elements to identify aquifer affinities), and Level III Surveys (quantitatively sample to determine aquifer dynamics, sample riparian and aquatic communities and habitats to determine spatial and temporal variation in environmental and biotic characteristics, and to quantitatively determine biotic and abiotic interactions). Identify and characterize all sites. BLM must then follow this with surveys that fully assess the ecological scene, and the effect of management and livestock use and other uses, across a broad area.

Surveys must be conducted as baselines, before full-scale Project development here alters hydrology, flows, etc.

These Protocols must include collecting information necessary to assess the extreme importance of springs and the continuum of hydric and mesic vegetation communities in their vicinity to sage grouse, especially in providing essential summer brood rearing habitats (green forbs); to migratory birds (deciduous shrubs and trees); and many other important attributes vital to other native animals. Level III surveys can add this element. Thus, in addition to all the important issues raised for consideration, the importance to sage grouse and other wildlife must be fully considered. We believe this elevates ALL spring areas here (especially since so much damage - including harmful development - has been allowed to occur, and the potential at many sites so greatly reduced) that ALL springs, seeps, wet meadows here are worthy of restoration to whatever potential can be achieved.

We urge BLM to very carefully examine all intermittent and ephemeral drainages, as well. Often, water not only persists in intermittent and perennial drainages in pockets as a result of runoff, but seep, spring and mesic areas may be present, and interspersed along the length of these drainages. Erosion, downcutting and lowered water tables stemming from livestock grazing is often a primary cause of perennial reaches becoming intermittent. BLM must also determine if stock ponds or other livestock facilities have been built/placed/gauged into or on top of spring, seep or meadow areas. Restoration potential must be assessed, and plans must be developed to restore such sites and increase perennial flow under all alternatives.

BLM must conduct studies of all desiccated, dried up, or otherwise altered springs, and develop plans for restoration of riparian area structure (areal extent of wetted area, native vegetation components), and flows. The benefits of restored or more natural springs to native species must be assessed. For example, what are the characteristics of a riparian community sufficiently restored to support nesting Cooper's hawks in the vicinity?

Aquifer sources: Springs are supported by precipitation that seeps into soil and accumulates in aquifers (through fault zones, rock cracks, or orifices that occur where water creates a passage by dissolving rock) where it is stored. The hydrology of springs is affected by regional and local geology, and how water moves through an aquifer.

Perched aquifers often characterize high elevations, where local aquifer springs may be fed by adjacent mountain range precipitation, and may change annually due to recharge

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from precipitation in mountain range. They typically have cool water, and may dry out during extended droughts. *Regional aquifers* support warmer springs fed by several recharge sources that may extend over vast areas. Aquifer flow is complex, and may extend beneath several valleys and topographic divides. Seeps are small springs that support vegetation adapted to drier conditions. Springs may be small, but have larger aquatic habitats, and support larger riparian zones with moist-soil affinity species. Springs are characterized by the morphology of their sources.

Each spring and seep is a unique combination of physical and chemical conditions (Sada and Herbst 2001, Sada and Pohlman 2003). These, coupled with disturbance factors, are dominant influences on riparian and aquatic plant and animal communities. Highly modified springs have less diverse riparian communities, and may include non-natives, and upland-associated species. Plant and animal communities associated with spring-fed wetlands are a function of physical and chemical characteristics of water and soils, proximity to other aquatic habitats, and prehistorical connections with regional drainage systems (Sada and Herbst 2001, citing Hubbs and Miller 1948, van der Kamp 1995, McCabe 1998). Primary abiotic factors that influence biotic qualities of unmodified springs include habitat persistence, geographical and geological settings, and aquifer dynamics Sada and Herbst 2001 (citing Ferrington 1995, van der Kamp 1995). Springs have a more integral connection with ground water than streams (Sada and Herbst 2001).

At Ruby Marsh, Sada et al. 2001 found that substrate composition, water depth, springbrook width, current velocity, conductivity and vegetation were most influential in affecting macroinvertebrate communities. Habitat condition strongly influenced biotic characteristics. Degraded conditions often masked the influences of natural events and chemical characteristics on the macroinvertebrate community structure.

54 percent of aquatic species endemic to the Great Basin springs have suffered population losses and 62 percent have suffered major decreases because of channelization, impoundment, removing water and the introduction of non-natives. **Removing water from springs through diversion reduces habitat for vegetation and aquatic biota by decreasing springbrook length, water width, water depth, and quantity of water available for vegetation.** Groundwater pumping and surface diversion have decreased and dried up many springs and springbrooks in the Great Basin, causing loss of populations and extinctions.

Riparian vegetation at springs may be restricted to area just along immediate boundaries of aquatic habitat, or may extend outward over much larger areas. Wider riparian areas occur where water seeps outward and moistens hydric soils. Species may be restricted to spring sources. Rheocrene-inhabiting species are more similar to stream-inhabiting species, and limnocene species to lake or pool inhabitants. Springs tend to be more constant environments than other aquatic habitats.

How do flows at any of the springs here relate to broader aquifer issues, including domestic or townsite water sources?

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Desertification and Watersheds

There is an extensive body of scientific literature on desertification of watersheds, including in the western United States. Desertification is defined as: "a change in the character of the land to a more desertic condition", involving "The impoverishment of ecosystems as evidenced in reduced biological productivity and accelerated deterioration of soils and in an associated impoverishment of dependent human livelihood systems". See Sheridan 1981, CEQ Report 1981 at iii. Major symptoms of desertification in the U. S. include: declining groundwater tables; salinization of topsoil or water; reduction of surface waters; unnaturally high soil erosion; desolation of native vegetation (Sheridan CEQ at 1). The existence of any one can be evidence of desertification. As lands become desertified, they become less productive, and activities such as livestock grazing become less sustainable. Continuing activities like livestock grazing may result in grazing becoming permanently unsustainable across the landscape. In many areas of these allotments, ecological conditions because of desertification and degradation processes that has already occurred and which is still underway, have already crossed the threshold between sustainability and, essentially, "mining" of increasingly non-renewable natural resources. Desertification can be both a patchy destruction, often exacerbated by drought, as well as as the **impoverishment of ecosystems within deserts.**

BLM must assess the levels and degree of desertification that have occurred across the Cotterell Mountain and surrounding lands. This is necessary to understand the suitability of these lands for livestock grazing, the productivity and carrying capacity of these lands for grazing, the effects of any alternatives developed here, the ability to meet any objectives, and the ability to sustain, enhance or restore habitats and populations of special status and other important species and native plant communities. For example, how has the extensive depletion of understories in many areas of Wyoming big sagebrush and salt desert shrub vegetation affected the degree and rate of desertification processes across the allotments? How has this affected livestock patterns of use, acres per AUM, etc.? What are the acres per AUM across all vegetation types in all conditions across these allotments? How many acres per AUM are required to sustain cattle or sheep in the lower salt desert shrub or Wyoming big sagebrush communities? What actions can be undertaken to halt desertification processes and begin recovery? BLM must also assess the combined effects of desertification and exotic species/weed increase and infestation.

Even PRIA acknowledged that production on many BLM lands was below potential, and would decline even further. To continue the current level of grazing under BLM's Decisions will result in even further loss of soil, microbiotic crusts, water, watershed integrity, wildlife habitat, and forage on these allotments. BLM's permits typically allow livestock numbers greatly in excess of those grazed in recent decades. The fact that AUMs/stocking rates much below the high permitted levels were actually grazed, demonstrates the continued loss of productivity on these lands.

Desertification symptoms in arid lands include: Sparsity of grass; presence of invading plant species - both native and non-native, in grass areas that have survived; plants are of

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poor vigor; topsoil losses - in many places, topsoil is held only by pedestals of surviving plants. Surface signs of soil erosion include: pedestaling, gullies, rills, absence of plant litter to stabilize soils.

Desiccation and erosion caused by livestock can cause water tables to drop, rilling, gullyng and arroyo cutting to occur, and result in sediment flow from degraded areas (Sheridan CEQ at 14). Grazing creates extremely dry site conditions for plants due to removal of litter, loss of soil cover, and trampling of the ground that prohibits rainfall from reaching plant roots (CEQ at 15). Livestock grazing exacerbates any climate changes and shifts that may be occurring (CEQ at 16). This is of particular concern in the northern Nevada landscape periodically plagued with severe drought, and which is facing increasing heat and aridity due to global warming.

The near-absence of many species of native bunchgrasses, such as larger-sized native grasses from many areas of the allotments, such as the diminished state of the once abundant Indian ricegrass (*Oryzopsis hymenoides*), signals stress of overgrazing (CEQ at 19). Such losses are vividly shown in BLM's data for the assessments.

Absence of plant litter makes germination of natives more difficult. Recovery of lower elevation areas will be exceedingly slow, especially considering the aridity of the project area. Arid land recovers very slowly; massive soil erosion has exposed soils that are less able to support plant life because of lower organic content; and invader species have become well established and have the competitive edge (Sheridan CEQ at 21). Even though it is well recognized that "the way to end overgrazing is to reduce the number of livestock in the end" (Sheridan CEQ at 22), political pressures from ranchers results in strong political opposition to reduced grazing. Political pressures have hamstrung implementation of the Taylor Grazing Act.

Sagebrush, juniper, pinyon-juniper and salt desert shrub vegetation communities across the West are now showing signs of "extensive changes" and significant stresses, with livestock grazing and aggressive non-native weeds recognized as among important causal factors. Nevada Natural Resources Status Report 2002 <http://dnr.nv.gov/nrp01/bio02.htm>. Continued grazing disturbance, degradation and weed invasion will cause native plant communities to cross thresholds from which recovery is very difficult, if not impossible. The decline in sage grouse populations and other species dependent on arid land shrub habitats is a landscape-scale biological indicator that the loss of functions and values of sagebrush ecosystems are serious and widespread. These are also signs of desertification processes across the landscape.

Impairment of the Sagebrush Biome

A recent analysis, Dobkin and Sauder 2004, "Shrubsteppe Landscapes in Jeopardy: Distribution, abundances, and the uncertain future of birds and small mammals in the Intermountain West", examined bird and small mammal species in the sagebrush biome. The authors found that "very little of the sagebrush biome remains undisturbed", the inherent resilience of the ecosystem has been lost and the ability to resist invasion

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and respond to disturbance has been compromised (Dobkin and Sauder at 5). At least 60% of sagebrush steppe now has exotic annual grasses in the understory or has been converted completely to non-native annual grasslands (citing West 2000). More than 90% of riparian habitats have been compromised by livestock or agriculture.

The authors distilled a list of 61 species of birds and small mammals that are completely or extensively dependent on shrubsteppe ecosystems, and conducted an analysis of their distributions, abundances, and sensitivity to habitat disturbance to assess current state of knowledge and conservation needs of these species, with focus on Great Basin, Interior Columbia Basin and Wyoming Basin, based on BBS data and other studies.

The Columbia Plateau, Great Basin and Wyoming Basin are among the least sampled of all physiographic provinces covered by the Breeding Bird Survey. Remarkably little is known about the actual distributions or population trends of small mammals. "Range maps created by connecting the dots among sites where a species has been captured do not paint a realistic picture, especially in the highly altered and fragmented shrubsteppe landscapes of today. For small terrestrial mammals ... our results support the view that many of these species now exist only as small, disconnected populations isolated from each other ... It is completely untenable to assume species' presence based on simply on presence of appropriate habitat in shrubsteppe landscapes of the Intermountain West". Also, the authors "find no reason for optimism about the prospects in the Intermountain West of any of the 61 species" (at 3). "The results of our analyses present an overall picture of an ecosystem teetering on the edge of collapse (citing Knick et al. 2003)".

The decline in sagebrush and dependent biota, as also described in Knick et al. 2003 highlights the urgent need for BLM management to protect the Cotterell Mountains, and evaluate alternative sites.

While wind energy can be responsible, in the case of the Cotterells, it is not "green energy". Instead, it is red energy -- red from the blood of birds chopped or maimed by the turbines, and red from populations blinking out from the large-scale habitat loss and extirpation of the population of sage grouse and other sagebrush or migrant species populations that inhabit the Cotterell Mountains.

We support renewable energy in instances when energy proposals are placed on sites where conflicts with important biodiversity and wild lands values are minimized.

Sadly that is not the case in the Cotterell proposal.

Sincerely,

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COMMENTS

RESPONSES

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COMMENTS

RESPONSES

Letter #40 (continued)

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Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

COMMENTS

Letter #41



**Raft River Rural
Electric Cooperative, Inc.**

Scott Barker, Project Manager
Bureau of Land Management
15 East, 200 South
Burley, Idaho 83318

Mr. Barker

We thank you for the opportunity to comment on the Windland Project. We do not oppose the Windland Project that is proposed to be built in our member service area, however there is a concern on the Right of Way that Windland is proposing. We have talked to Darrel Tracy from Power Engineers and he informed us that a 75' ROW is what they are seeking. The proposal calls for Windlands ROW to directly border Raft's existing ROW. Our Operations Department has studied this proposal and recommend that Windland seek a 100' ROW. This may prevent either entity from damaging each other in case of severe storm damage. This would also allow the set up of equipment to work on structures without danger of contacting each others lines. This is a real concern for us and would appreciate the opportunity to correct this matter before construction may be allowed. The safety of human life and concern for damaged equipment is a matter we would like to address at this time. Thank you for carefully addressing all aspects of this project and allowing those with concerns to be heard.

Jim Powers
Jim Powers
General Manager

Raft River Division
250 N. Main, P.O. Box 617
Malta, Idaho 83342
208-645-2211/fax 208-645-2300
1-800-342-7732 after hours

Western Division
260 Davidson, P.O. Box 85
Albany, NY 12211
518-462-6640 phone/fax
1-866-477-0518 after hours

RESPONSES

- A. The Applicant, Windland, Inc., and its electrical contractor are coordinating with Raft River Rural Electric Cooperative, Inc. to establish a mutually acceptable ROW setback for the Proposed Project's transmission interconnect line where it would parallel Raft River's line.

COMMENTS

Letter #42

RESPONSES

AUG 28 - 05

COTTRELL WIND POWER PROJECT
BURLEY FIELD OFFICE
RECEIVED

HAVING BEEN INVOLVED WITH WILD LIFE FOR OVER 50 YEARS ON THE SNARE RIVER BELOW MINNETONKA DAM WE HAVE WORKED WITH DEER - BEAR - PHOENIX AS AND VARIOUS OTHER BIRDS AS WELL AS DEER & ANTelope.

AT NO TIME HAVE WE OBSERVED ANY PROBLEM WITH WILD LIFE AFTER ABOUT 1 WEEK TO 60T USED TO IT. ONE WINTER WHEN THE SNOW WAS DEEP WE WERE FEEDING OAT HAY OUT OF THE BACK OF A PICK UP DEER - BEAR & DEER STARTED EATING THE OATS WHILE WE WERE STILL FEEDING.

WE SUPPORT ALL WIND PROJECTS. ACCORDING TO 99% OF THE WORLD'S SCIENTISTS IF WE DON'T STOP GLOBAL WARMING IN 50-60 YEARS WE WILL HAVE A PROBLEM

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #42 (continued)

STAYING ALIVE. THIS PROJECT
WILL HELP STOP THE WARMING.
THIS WIND PROJECT WILL HAVE
NO IMPACT ON BIRD OR WILD LIFE

JOHN/C. MARILYN MESTILL
PO BOX 43
RUPERT-IDAHO
83350

RESPONSES

COMMENTS

Letter #43

1.



Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Official File

ENVIRONMENT, FISH AND WILDLIFE

August 31, 2005

In reply refer to: KEC-4

Mr. Scott Barker
Bureau of Land Management
15 East, 200 South
Burley, ID 83318

Re: Cotterel Wind Project DEIS Comments

Dear Mr. Barker:

Thank you for taking the time to visit with Bonneville Power Administration employees on July 22, 2005, to discuss concerns relating to the Cotterel Wind Project proposed by Windland, Inc. in your resource area. Provided below are our comments on the project and the Draft Environmental Impact Statement (DEIS) for the project. As you are aware, Windland Inc. withdrew their request to interconnect the output from their windfarm to the Federal Columbia River Transmission System in July. We are no longer considering the potential impacts and requirements of that proposal (Alternative B) at this time. Should we receive another request for interconnection at some point in the future from Windland, Inc., additional updated studies on the impact to the federal transmission system would be necessary.

There are two main areas where we have comments. One area is the potential interference with existing microwave beam paths from construction of new wind generation towers in alternatives B, C, D, and E. Secondly, we provide some guidelines for constructing a new transmission line adjacent to and across the Minidoka-Bridge (Raft River) transmission line associated with alternatives C, D, E, and F.

Microwave Beam Path Interference

1. Towers 1, 2, 18, and 19 (north to south) appear to cause interference to an existing BPA microwave path. The existing azimuth of the conflicted microwave path is 355 degrees. Other paths do not appear to be impacted.
2. A field survey will be required to verify the actual tower locations.
3. The proposed transmission line eastward from the substation on Cotterel Mountain to the Raft River line needs to be clarified as to its interference potential.
4. There is a mitigation option of relocating our existing conflicted microwave path to a different azimuth of 359.8 degrees. This option needs the concurrence and subsequent agreement with Idaho Power before proceeding. A ballpark estimate of \$200k would be needed for BPA to relocate to this azimuth. This amount would be paid by the developer and cover hardware and circuit configuration costs only. Additional costs for the

RESPONSES

The Applicant, Windland Inc., and its electrical contractor, are working with the Bonneville Power Administration to rectify any possible (A) microwave interference and/or (B) transmission line engineering issues from the Proposed Project.

COMMENTS

Letter #43 (continued)

A.

2

- development of an agreement with Idaho Power, and any potential lease costs or startup costs with Idaho Power may be needed.
5. If the option to move the location of the turbine generator towers is selected, then BPA will provide the beam easement requirements in map form for those towers that interfere. An easement of up to 300 feet may be required, 150 feet on either side of the beam path. There would be a cost associated with a BPA survey crew surveying and staking the tower locations to ensure no beam path interference would occur.

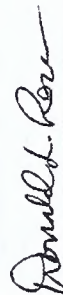
A

Transmission Line Engineering and Construction

1. The developer's transmission line must maintain National Electrical Standard Code (NESEC) clearance to the edge of the 100-foot right-of-way of the existing Minidoka-Bridge transmission line.
2. We would like to maintain contact with the Developer's engineering contractor, Power Engineers.
3. The developer would need to apply for a right-of-way crossing permit to cross our line in two locations.
4. The developer's transmission line would be required to meet minimum BPA clearances wherever they cross over or under our transmission line.
5. Construction of the new transmission line will require close coordination with BPA to maintain safe working conditions and maintain reliability of our existing line.

B

Thank you for the opportunity to provide comment. If you have any questions, please contact me at 503-230-3796.



Donald L. Rose
Supervisory Environmental Protection Specialist - KEC-4

cc:
Mr. Mike Heckler, Windland, Inc.

RESPONSES

COMMENTS

Letter #44

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 13 AM 10 29

**Comments on the Draft EIS
for the Proposed Cotterel
Wind Project**

September 9, 2005

RESPONSES

COMMENTS

Letter #44 (continued)

US Department of Interior
Bureau of Land Management
Twin Falls District, Burley Field Office
5 E 200 S
Burley, ID 83318

September 9, 2005

Subject: Comments on the Draft EIS for the Proposed Cotterel Wind Project

To Whom It May Concern:

I am providing formal, written comment on the Draft Environmental Impact Statement for the Proposed Cotterel Wind Power Project, dated May, 2005. I will be organizing my comments by subject matter. My comments do not represent those of any institute, governmental entity, or organization. Rather, I am submitting my comments as a concerned citizen who resides adjacent to the proposed project site. I earn my living as a professional biologist.

Aesthetics

The Cotterel Mountain range is a very unique natural resource due to its unique geology. The single east-facing escarpment (as opposed to the more common double) with the sloping western face make this mountain range a unique visual resource. The Cotterel Mountains, along with the adjacent, small mountain ranges (Jim Sage Mountains, Black Pine Mountains, Albion Mountains, and Sublett Mountains) located in south Central Idaho make the entire area unique. This mosaic of geologic features creates a one-of-a-kind viewing opportunity in southern Idaho. This is the reason for the establishment of *Scenic Highways* through and adjacent to the proposed project site!

Section 4.13 of the subject EIS states that Visual Resource Contrast Rating method was employed to determine "the degree to which [the] proposed action affects the visual quality of a landscape". This "depends on the visual contrast created between [the] proposed action and the existing landscape". Four subject classifications were applied based on rating criteria. It was determined (using Key Observation Points) that the proposed project had a weaker degree of contrast to the surrounding landscape when Key Observations Points (KOP's) were located further from the project.

The application of a completely subjective classification system (with no controls), to determine the visual contrast of the natural environment with 130, 210 ft tall steel towers housing generators and each holding three 115 ft rotor blades, adjacent to a new 25-mile long all-weather, newly constructed gravel road is completely inadequate for a project of this magnitude. Despite the incredibly insightful conclusion that the degree of visual contrast decreases the further away one moves from the project site, the draft EIS indicates that the project would be visible to many people and would change the character of the landscape, thereby possibly resulting in an impact.

RESPONSES

A. The Visual Resource Contrast Rating Method is BLM's method for analyzing visual resource management issues. The Visual Resource Contrast Rating Method is subjective by design to incorporate the visual preferences of multiple individuals. It is not designed to define a specific level of impact but to determine potential change to key landscape features from a proposed action. Obviously, the change in the landscape resulting from the proposed project would be significant. Whether this is a positive or negative impact is dependant on the personal preferences and judgment of the viewer.

B. Dust control is discussed in the Air Quality section of Appendix C (PageC-13). The Draft EIS has been modified in the Final EIS to disclose the uses and sources of water necessary for construction of the proposed project.

Potential visual resource impacts as a result of project construction are analyzed in the Draft EIS in Section 4.13.3 through 4.13.5 (Pages 4-59 through 4-63).

The main access to Cotterel Mountain for construction of the proposed project will be off of State Highway 81. A small amount of project construction access will also occur off of State Highway 77. None of the roads that would be used to access Cotterel Mountain for

COMMENTS

Letter #44 (continued)

Despite noble efforts, the EIS falls far short of accurately addressing and quantifying the degree of negative visual impacts that will be directly attributable to this project. The beautiful, natural landscape that currently exists will be lost as a result of this project. An incredibly unique public resource will be permanently lost; a resource to which no dollar figure can be applied. The EIS 100% fails to characterize this loss to the American Public.

Construction Phase

The draft EIS identifies several factors associated with the construction phase, however each item is dismissed as being either short term or negligible due to current conditions. The EIS, again, 100% fails to characterize the short- and long-term impacts associated with construction.

- The presence of many pieces of very large equipment (trucks, cranes, back hoes, earth moving equipment, etc) and the cut and fill process are going to result in large dust plumes. This is going to require the application of very large quantities of water to the project site. This is not addressed in the EIS.
- The visual resource of the area is going to be diminished rapidly resulting from the construction phase. Turning a beautiful, unique mountain into a full-scale construction site is not going to maintain natural visual resource value. This is not adequately quantified or discussed in the EIS.
- The incredible increase in large, heavy-load vehicle traffic during construction is not adequately discussed. Up to 14,940 truck trips are going to be required for this project. The EIS makes a false statement in stating in Sec. 4.9.2 "These truck trips would result in impact on local communities similar to impacts from truck trips transporting agricultural goods during harvest season." The EIS identifies the construction period as an 8 month period. That is 240 days, which equals out to over 62 truck trips a day. It is not true that this would have similar impacts to existing conditions. This number of trucks is going to be a hazard for local and transient motorists, result in increased damage to local roads, and increase congestion on local roads. The local economy is going to be responsible for county road repair. The EIS fails to address the magnitude of this impact.
- The presence of a construction site of this size and magnitude will inevitably result in obstacles to recreation users. The cut and fill process, presence of large equipment and the steady traffic of trucks will not allow recreational users access to many portions of the Mountain range. This is not adequately addressed in the EIS at all.

Property Values

The EIS cites a study conducted in Kittitas County, Washington that indicated that "views of wind turbines would not impact property values." First, this study is inadequate and does not accurately address the 'property value' issue outside of Ellensburg, WA. Statements made resulting from this study need to be qualified. Second, even if this study were robust and accurate, it is not applicable to the proposed project site. The proposed project site is located adjacent to, and part of the reason for, highways designated as "Scenic Highways". In addition, historic trails, national preserves, a ski

RESPONSES

construction of the proposed project are county roads. Maintenance of State Highways does is not the responsibility of local economies.

The statement in the Draft EIS comparing the number of trucks necessary for construction of the proposed project to the volume of truck traffic associated with the local agricultural harvest was not intended to be an exact comparison, but merely a local example of scale. Data obtained from the Amalgamated Sugar Company indicates that the Declo Beat dumpsite located northwest of Cotterel Mountain, receives an average of 260 truckloads of beets per day during the harvest season. This number does not include the dozens of other beat dumps in the surrounding area or the truck trips generated by the harvest of other crops and agricultural products. The actual number of truck trips required to construct the proposed project is much lower than that generated by the local agricultural harvest. While the truck trips associated with the construction of the proposed project would be additive to existing high level of truck traffic, they would result in a relatively small increase and would be temporary in duration. Furthermore, the truck trips associated with the construction of the proposed project would mostly be confined to a relatively small corridor along SH-81 around the north end of Cotterel Mountain.

COMMENTS

Letter #44 (continued)

resort and multiple other outdoor destinations are located immediately adjacent to the proposed project site. Real estate values are locally based on the local attributes that exist. If the natural resources in this area are negatively altered, the same can be expected of the property values. The EIS does not fully address this issue. Its one small paragraph is inadequate and irrelevant.

Recreation

As a local user, I am familiar with the recreational use of this Mountain Range. Due to the extremely rugged, dynamic terrain of the ridgeline, users enjoy the challenge of transverseing the ridgeline with mountain bike and occasionally, modified 4x4 pickup trucks. The character of the ridgeline trail makes it inaccessible to many users who are either unwilling or unable to take their vehicle across such a landscape. As such, the impact to the mountain range is currently low. Higher use is associated with the improved-gravel road leading to the radio towers on the southern end. The construction of up to 25 miles of improved-gravel roads will eliminate the recreational opportunities that currently exist on the ridge. The EIS does not address this.

In addition, the inaccessible nature of the ridgeline trail makes many portions of the mountain range remote and isolated from human disturbance. Individuals seeking this type of recreational opportunity currently can with a little effort. The construction of the road system outlined in the draft EIS will eliminate this recreational opportunity. Further, the increase in human traffic (vehicles, OHV, etc.) will inevitably result in avoidance behavior by local wildlife populations and an associated increase in wildlife stress levels. The EIS does not address this at all.

Sport hunting is locally very popular and the region is a destination for this activity. Hunting for chukkers, sage grouse, mule deer, mountain lions and coyotes is popular on the Cotterel Mountain range. The presence of up to 130 giant towers adjacent to an improved-gravel road transverseing the ridgeline will, without a doubt, negatively impact sport hunting opportunities. Sport hunters well know that the successful pursuit of the above-listed game seldom, if never, takes place adjacent to large man-made structures and improved roads. This project will essentially eliminate the majority of the sport hunting opportunities that currently exist on the Cotterel Mountains. A once prime, remote hunting destination will be 100% lost. I have hunted the Cotterel Mountains for several years now, as they are very near my home. I am only able to access many of the areas on the mountain by foot. When in there hunting, I enjoy solitude and am able to pursue my prey in a natural, unaltered environment without disturbance from other human activities. That will be 100% lost when the new road is built and the towers constructed. Further, the east-west connectivity of habitat that currently exists will be lost by the proposed project, further reducing hunting opportunities. This should be analyzed, disclosed to the public and included in the EIS. The BLM has completely failed the public with regards to the impacts of this project to hunting. This is not addressed in the EIS and is therefore a violation of NEPA.

RESPONSES

Temporary construction impacts to recreation are disclosed in Section 2.3.3 (Page 2-20) and Section 4.11 of the Draft EIS (pages 4-52 through 4-54). During construction portions of Cotterel Mountain would be temporarily closed to the public for safety purposes.

C. Little information on the potential or actual impacts from wind power projects on property values is available. The ECONorthwest study is one of the few reports that provides any information on the subject. The Draft EIS Section 4.9.2 (Pages 4-48 and 4-49) discloses the known information on this subject, but it does not implicitly state that property values would not be affected by construction of the proposed project.

D. The Draft EIS has been modified in the Final EIS to disclose that construction of the proposed project will change the current Recreation Opportunity Spectrum Semi-primitive Motorized to Roaded Natural. It is true that many miles of improved roads would be necessary for construction and operation of the proposed project. However, Alternatives C and D include a plan to retain as much of the primitive public access aspect of the mountain as possible (see Figure 2.5-3). This was developed in response to the concern raised in this comment and during the public scoping process. Under this plan, traversing the ridgeline from north to south would still require a 4x4 vehicle and a certain amount of off road driving skill. The south road which accesses the

COMMENTS

Letter #44 (continued)

E An additional negative impact to sport hunting is the increase in human and vehicular traffic associated with the improved road system. Increases in human and vehicular traffic are in conflict with improved sport hunting opportunities. This is not addressed in the EIS.

Wildlife

Although the Affected Environment portion of the draft EIS does a poor to fair job of describing the local wildlife resources, the Environmental Consequences portion of the draft EIS woefully mischaracterize potential impacts to local wildlife communities. Large amounts of vegetative cover are going to be impacted either directly through construction activities, or indirectly through the increase in vehicular access to the range. Large-scale disturbance to big game populations will result from the presence of 130 large, man-made structures, improved roads, severed connectivity, increased stress and increased vehicular access opportunities. Adverse impacts to birds, bats and raptors will be substantial. Mortality to avians and bats can be expected from the propellers, particularly taking into consideration the landscape (nearly perpendicular to prevailing winds), geology (single escarpment), aspect (escarpment facing east) and location relative to other resources. General displacement of nearly all native wildlife species can be expected. The estimation of lost sage grouse habitat is greatly underestimated and does not take into account secondary and tertiary impacts associated with the project.

F The EIS does not even come close to accurately addressing the potential wildlife impacts that will be associated with the proposed project. The preparers of the EIS failed to meet the requirements under the National Environmental Policy Act (NEPA) by mischaracterizing wildlife impacts. The preparers of the EIS did not disclose all the potential impacts to the public. Further, the cumulative impacts section falls way short of even starting to address the cumulative impacts that can be attributed to this project.

Inadequate or Failed NEPA Compliance With Legal Consequences**Unavoidable Adverse Effects**

G In this section of the draft EIS the preparer states that "there would be at least a minimal amount of unavoidable adverse impact on all resources present in the Proposed Project area..." The unavoidable adverse effects associated with the project are large and not even mentioned in this portion of the EIS. A quick list is provided, but detail is missing. For example, simply stating "Loss of vegetation" is inadequate. The construction of 22 miles of new road, 4.5 miles of reconstructed road, installation of up to 130, 210 ft towers, the associated increase in vehicular and ORV use, the estimated cut volume of 2,660,000 cubic yards of material, the estimated fill volume of 2, 500,000 cubic yards of fill material and the initial impacts associated with construction, all on a 15-mile long ridgeline is not adequately addressed by saying "Loss of vegetation"!

Irreversible and Irrecoverable Commitment of Resources

H My comments for this section are the same as the previous (Unavoidable Adverse Effects). The single sentence that addresses the "loss of productivity" is misleading, deceiving and does not present the public with an accurate picture of the reality of the

RESPONSES

communication towers is not proposed for upgrading and an increase in use associated with this road is not anticipated.

E. Hunting will still be permitted on Cotterel Mountain following construction of the proposed project. Although access may be improved to some areas, the majority of Cotterel Mountain would remain unroaded or accessed by existing primitive trails. The Idaho Department of Fish and Game has not identified an East - West big game migration corridor across Cotterel Mountain. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time. Section 4.11 Recreation (pages 4-52 and 4-53), of the Draft EIS has been revised in the Final EIS to include a more detailed analysis of potential project impacts to hunting.

F. Section 4.6.1 of the Draft EIS discloses potential impacts to vegetation from construction of the proposed project. Table 4.6-1 (Page 4-12) describes in detail temporary and permanent impacts to vegetation. Current management directives as prescribed by the Cassia RMP requires that wheeled vehicle be limited to existing roads and trails (Cassia RMP Page 40).

COMMENTS

Letter #44 (continued)

H situation. This EIS does NOT disclose the full nature of the permanent reduction and/or loss of resources associated with the proposed project. It is inadequate and does not fulfill the requirements of NEPA.

Baseline Determination and Comparison

The preparers of this draft EIS frequently utilized the Recreational Opportunities Spectrum (ROS) and Cassia Resource Management Plan (Cassia RMP) as *baseline* standards from which to compare the effects of the proposed action. Effects of the proposed action should be compared against the current environmental conditions, not assessed as to whether or not they meet some arbitrary standard outlined by the ROS and/or Cassia RMP.

Public Scoping

The public scoping process the BLM underwent was entirely inadequate and misleading. For example, newspaper ads published in local papers directed the public to a web site where documents, study results, general information, contact information, scoping meeting locations, dates and time; and other information relevant to the proposed project could be obtained. Due to a court case involving the Department of the Interior (Cobell vs. Norton) regarding Indian Trust Assets, the web site (hosted by the BLM) was inaccessible to the public for much of the public scoping process. Therefore the public, who was directed to the website by the BLM, was unable to access information in a timely manner (or at all in some cases). The BLM did not meet its public scoping requirements as define by NEPA and CEQ guidelines.

Alternate Site Selection for Comparison

The EIS does not mention or suggest an alternate site location for the project. Although it is of good intention to consider alternative, renewable energy resources, site selection must be carefully scrutinized so as to minimize adverse consequences to natural resources and the public. The BLM and the ROW applicant, Shell, only proposed a pristine mountain range with native vegetation and wildlife communities as a potential construction site. The BLM and Shell could have proposed the BLM and State of Idaho lands located due northeast of the Cottarel Mountains, adjacent to the interstate or perhaps some of the BLM and private lands located between Mountain Home and Boise, ID. The EIS should have considered alternate locations with less potential for adverse effects.

As such, I am formally requesting the BLM conduct a comparative analysis of an alternate project location. I am going to suggest the BLM compare the economic, logistical, human and environmental factors of constructing a similar facility in western Elmore County, near the interstate.

RESPONSES

Potential impacts from the proposed project are described in detail in Section 4.6.2 of the Draft EIS (Pages 4-14 through 4-40). Impacts to wildlife are described in terms direct mortality from impact with the turbine blades and indirect impacts in the form of habitat loss, avoidance, and habitat degradation. The Draft EIS discloses that significant avian impacts could occur although impacts are anticipated to be minor.

The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS.

G. Section 4.17 of the Draft EIS (page 4-75) discloses potential unavoidable adverse effects of the proposed project (i.e., Loss of Vegetation). Detailed discussion and acreage impacts of potential unavoidable adverse effects are analyzed under each individual resource section in Chapter 4 of the Draft EIS.

H. Section 4.18 of the Draft EIS (page 4-75) discloses potential irreversible and irretrievable commitment of resources of the proposed project (i.e., Loss of Vegetative Productivity). Detailed discussion and acreage impacts of potential irreversible and irretrievable commitment of resources are analyzed under the Biological Resources Section 4.6 (Page 4-10) in Chapter 4 of the Draft EIS.

COMMENTS

RESPONSES

Letter #44 (continued)

Thank you for your time in this matter. Although I am the only signatory to this letter, my thoughts and opinions represent those of many I recreate with in Cassia County, Idaho. I strongly urge you to do the right thing and select the 'No Action' alternative. Many other suitable locations exist with less obtrusive, irreversible, environmental impacts.

Sincerely,



Ryan Newman

I. The Cassia RMP is the current management guidelines for Cottarel Mountain. It is referenced in the Draft EIS to provide information on current management direction for the Proposed Project area. Current baseline condition information was collected for numerous resources that could be affected by the proposed project. For example 2004 data for recreation uses and number of users was disclosed in Section 3.7 of the Draft EIS (pages 3-87 through 3-89). Several studies were conducted in 2003, 2004, and 2005 to collect baseline information for resources on Cottarel Mountain including:

- Avian use patterns
- Nocturnal avian and bat migration
- Raptor nesting
- Raptor migration
- Sage-grouse lek attendance, nesting, and winter use patterns,
- Mapping of current vegetation community distribution
- Archeological surveys
- Economic data for Cassia and Minidoka Counties.

Traffic counts to determine recreation use levels

The results of these studies were disclosed in Chapter 3 of the Draft EIS.

COMMENTS**Letter #44 (continued)****RESPONSES**

J. The public scoping period was initiated via publication of the Notice of Intent to prepare an environmental impact statement in the Federal Register on December 19, 2002. The scoping period was extended from 30 to 60 days to public adequate time to identify issues of concern and February 21, 2003. In addition to the federal register publication a scoping statement was mailed to Native American Tribes, grazing permittees, lease operators, industry representatives, environmental organizations, and individuals having a potential interest in the Proposed Project. Local and regional media also received the scoping statement and a news release. During the 60 day scoping period three public meetings were held across southern Idaho.

The public comment period for the Draft EIS was initiated via publication of the Notice of Availability in the Federal Register on June 24, 2005. The public review period lasted for 90 days and closed on September 22, 2005. The Draft EIS was made available both in hard copy and on Compact Disc (CD). A newsletter and preference mailer was sent to all individuals and organizations that participated in the scoping process. The Draft EIS was also made available for review at public libraries and BLM offices. Three public meetings were held during the month of July 2005. Notice of Availability and a press release announcing the public meetings was provided to local and regional media.

COMMENTS**Letter #44 (continued)****RESPONSES**

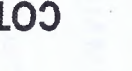
The BLM's web page was unavailable to the public during the Draft EIS review period. However, the Draft EIS was available on the internet housed at the Bonneville Power Administration web site at www.efw.bpa.gov/environmental_services/document_library/cotterel/. The availability of Draft EIS at this web site was provided in the newsletter announcing the availability of the Draft EIS and the public meetings. The newsletter and media release provided mailing address, telephone, fax and email address of the BLM project manager who had hard copies and CDs available for distribution. NEPA does not require that documents available for public review be posted to the internet.

K. The ROW application that BLM received from Windland, Inc., was for wind energy development on Cotterel Mountain. Alternative sites were not identified in the application. The scope of the analysis was limited to alternatives within the application area only. The purpose of this analysis was to determine whether or not the proposed project or its action alternatives are an appropriate use of public lands on Cotterel Mountain. Identifying potential wind energy development sites other than that identified in Windland's application was outside the scope of this EIS.

COMMENTS

RESPONSES

Letter #45

 <p>Twin Falls District</p> <p>Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to: BURLEY FIELD OFFICE</p> <p style="text-align: right;">RECEIVED</p> <p>2005 SEP 13 AM 10 34</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: id_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. [] Yes [X] No</p> <hr/> <p>Please Print Name <u>Rich Redman HRC Communications</u></p> <p>Street Address <u>225 West North St</u> State <u>ID</u> Zip <u>83314</u></p> <p>City <u>Albion</u></p> <p>E-mail (optional) _____</p> <p>Comments: <u>Please see attached letters</u></p>
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COMMENTS

RESPONSES

Letter #45 (continued)



ATC COMMUNICATIONS
225 West North Street • P.O. Box 98 • Albion, Idaho 83311
Telephone: (208) 673-5335 • Fax: (208) 673-6200 e-mail: atc@alblontel.com

September 10, 2005

Scott Barker, Project Manager
Cotterel Wind Power Project
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

Dear Mr. Barker,

My name Rich Redman, I am Vice President and General Manager of ATC Communications. About a year and a half ago Michael Heckler of Windland contacted me regarding a proposed wind generation site on Cotterel Mountain. At that time he was asking about facilities that ATC could provide them for communications. I told him that we had a 6GHz Microwave system on top of Cotterel and also a fiber cable that ran along highway 77 at the bottom of the mountain. He sounded excited that we could provide Windland with virtually limitless bandwidth for their communications. I asked him what they needed between the windmill towers for communications. He told me that they would put their own facilities in and the medium had to be fiber because of the inductance "noise" that the windmills put off. Later I found out that they are not planning on using any local communications facilities nor are they planning on using any local contractors or labor.

Around the first of August 2004 Windland had an open house in Albion regarding their proposed project. At that event I asked Mr. Heckler if they had to put fiber between all the wind mills because of the noise they induced into the ground what was going to happen to our copper facilities on top of the mountain that goes between all the buildings. He told me I had raised an excellent question and he did not know the answer. I also asked him about Cellular, Analog Radio, TV Reception and Microwave paths. As you can see he tried to answer my concerns in the attached letter.

I guess my problem is, in his letter he states there is a potential for noise problems but Windland will work with ATC to remedy any problems that might come up. He also stated that there is no effect on microwave transmission as long as the tower and blades are not within line of sight of the microwave path. Our microwave path is in direct line of site of the proposed windmills.

My personal opinion is I don't want over a hundred 450' towers in my back yard and my business standpoint is Windland has stated that there may be problems but they will fix them as they crop up. The theory of build it and then fix problems afterwards is not good enough for me. If the windmills are built and our customers are put out of service because of any interference put off by the windmills that

The Applicant, Windland, Inc., will work with the BLM and right-of-way holders on Cotterel Mountain, such as ATC Communications, to ensure that the Proposed Project does not interfere with the operation of any facilities of the right-of-way holders.

COMMENTS

Letter #45 (continued)

creates a problem for Windland our customers and ATC. Michael Heckler says in his letter that they will work with ATC if anything crops up but if it is after the fact I am very uncomfortable with that.

It seems peculiar that Windland can tear up the whole Cotterel Mountain and ATC recently had to spend over \$40,000 for permits, surveys, Archeologists, Botanists, and the State Historical Society to plow cable in the "borrow pit" along the highway that had been disturbed several times in the past and even a cable plowed in the same "right of way" just two years earlier.

Please see the attached letter from Windland and thanks for your time.

Sincerely,

ATC Communications



Rich Redman
General Manager
rich@atenet.net
208-673-2201

Attachment:

RESPONSES

COMMENTS

RESPONSES

Letter #45 (continued)



August 10, 2004

Mr. Rich Redman
1057 South Hwy 77
Albion, ID 83311

Subject Request for more information related to power influence on copper telephone facilities, microwave, cellular and TV

Dear Rich:

While we were talking at the recent Open House Windland held at the Marsh Creek Event Center you asked about the potential for interference to telephone, cellular, TV and/or microwave facilities on Cottarel Mountain.

We've done some research on the topic since then and hope this letter will address the concerns you raised. In general, electromagnetic interference from generating facilities of all types is very rare. Of the thousand of MW of wind installed in the USA, these phenomena have only been sporadically reported, and there has always been a resolution.

Electromagnetic interference can take 3 forms: the rotation of the blades causing TV or microwave interference, interference to cell phones, and interference to buried copper telephone lines.

Interference to TV signals can be caused by the blades of the wind turbine physically getting in the way (line of sight) of a terrestrial TV or microwave signal. This sometimes happens with terrestrial TV signals on flat terrain where the reception aerial is at the edge of range of the broadcaster and already has a marginal signal. It is not easy to predict, but is rectified by installation of a TV signal booster station. There is no impact from wind turbines on satellite or cable TV. Similarly, there is no effect on microwave transmission as long as the tower and blades are not within line of sight of the microwave signal.

COMMENTS

Letter #45 (continued)

Mr. Rich Redman

-2-

August 10, 2004

Inference to cell phones only happens to phones operating on an analogue network; and as with terrestrial TV, only when the wind turbine blocks line-of-sight between the cell tower and the phone. At Cotterel we don't anticipate any opportunity for producing line of sight interference but we look forward to working with ATC and other right-of-way holders on the mountain to ensure that this is the case.

Digital cell networks are more or less unaffected by wind turbines; evidenced by the fact that wind turbine technicians use cell phones to communicate while at work. Some windfarms even use radio signals to transmit data between the individual turbines and the control room, with no interference.

Interference to buried copper telephone lines has only been reported once at a US windfarm in Nebraska, which used prototype wind turbines of a design that has long since been withdrawn. The power electronics of the wind turbine caused harmonics in the local telephone lines, due to a unique set of circumstances which included proximity of the power lines to the telephone lines. The problem was mitigated by changing some settings on the turbines and by installing filters on both the phone lines and the power systems of the wind turbines. There are no reports of modern turbines causing this sort of interference - any unexplained signals would likely be detected by the wind turbine control system which would shut the turbine down.

More on the "Telephone Hum" incident can be found at <http://www.nel.org/home/NEO/Winter99/win9906.htm>.

While we have yet to select the specific turbine type that we will use at the Cotterel Mountain Wind Farm all the models we are considering have been designed to correct the type of interfering harmonics that the prototype Zond turbines had in two turbines in Nebraska where such interference was experienced.

While it's my guess that you and I may never agree on whether building a wind farm on Cotterel Mountain is a good idea, I give you my word that Windland intends to be a good neighbor to ATC and the other right-of-way holders on the mountain and we will work with you to address any technical concerns that ATC may have.

Sincerely,



Michael Heckler
Director Marketing & Development



RESPONSES

COMMENTS

Letter #46



Officers & Directors

Ralph Rogers
Chairman
William R. Hock
President
Mary Sealing
Secretary
Cleo Sealing
Treasurer
James A. Mosher, Ph.D.
Executive Director
Tony Apha, Ph.D., Biologist
Colorado Division of Wildlife
Rick Baydack, Ph.D., Biologist
Colorado Division of Wildlife
Shane M. Boush
Shane M. Boush, Ph.D., Biologist
Tom J. Corbin, Ph.D., Biologist
Environ. Small Interest
Kent L. Christopher, Educator
Mabo
Bob Collins, Attorney
Alaska
John C. Crawford, Ph.D., Biologist
Oregon State University
Victor Hardinwick, Nupter Biologist
South Dakota
Tim Hildrich, Rancher
Rick Hoffman, Biologist
Colorado Division of Wildlife
Donald A. Klebanow, Ph.D., Biologist
Environ. University of Nevada
Doug Plisco, Ecologist
Washington Department of Ecology
James D. Rangan, Attorney
Washington, D.C.
Kerensa E. Riddell, Veterinarian
Oklahoma
Terry Riley, Biologist
Wildlife Management Institute
Brian Smith, Ecologist
Michael A. Schaefer, Ph.D., Biologist
Washington Dept. of Fish & Wildlife
Cleo Sealing, Biologist (ret)
Colorado Division of Wildlife
Steve K. Sherrard, Ph.D., Biologist
Sutton Arion Research Center
Nora Silvy, Ph.D., Biologist
Texas A & M University
Robert Sprack
Manitoba, Canada
Bertin Sparrowe, Ph.D.
Hunting
John E. Toppfer, Biologist
Secretary of Department of Ecology
Robert T. Toft, Farmer
Texas
Ben O. Williams, Outdoor Writer
Alaska
Advisors
Stephanie Harmon, Biologist
US Fish & Wildlife Service
Cal McCloskey, Biologist
Bureau of Land Management

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

September 12, 2005

United States Department of the Interior
Scott Barker, Project Manager
Cottarel Wind Power Project DEIS
Bureau of Land Management
15 East, 200 South
Burley, Idaho 83318

Re: Comments on the Draft Environmental Impact Statement for the Proposed
Cottarel Wind Power Project and Draft Resource Management Plan
Amendment (DEIS).

Dear Mr. Barker:

The following comments are submitted by the North American Grouse Partnership for your consideration as you prepare the Final EIS for the Cottarel Wind Power Project (Project) and as a matter of the Administrative Record when publishing the Record of Decision for the subject project. Our organization understands that by submitting these substantive comments during the DEIS stage that it will ensure our standing when the Bureau of Land Management (BLM) responds to them in the Final EIS.

In addition to the comments contained herein specific to the Cottarel Wind Power Project, I refer you also to our submission to BLM on December 10, 2004 concerning the draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States [enclosed].

The North American Grouse Partnership is a non-profit organization whose mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction. Our membership spans all of North America. Our Chapters, including Idaho, are engaged in conservation projects and with many local working groups addressing grouse management issues.

General Comments and Observations

As an organization concerned about maintaining the quality of environment and the habitats of native wildlife and plant species both nationally and more specifically in Idaho, we concur with statements made in the DEIS that

RESPONSES

Thank you for your thoughtful and professional comments.

BLM has considered the NAGP's recommendations and has modified its FEIS to include adaptive management and effectiveness monitoring as central themes. These themes also will drive the Plan of Development.

In addition, BLM has strengthened its consideration of cumulative effects. Finally, BLM in concert with the recently released "Conservation Plan for the Greater Sage-grouse in Idaho", by the Idaho Sage-grouse Advisory Committee 2005, is examining mitigation strategies, including off-site mitigation.

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COMMENTS

Letter #46 (continued)

RESPONSES

"there are no similar operating wind projects located on the common landforms, in Idaho, or within specific habitats of sagebrush and mountain mahogany which exist on Cottarel Mountain" (4.14 DEIS). Further, and as a consequence, "there is no specific case history available to use in predicting the impacts of the proposed Project on wildlife." (ibid, DEIS). "Thus, this impact analysis relies on the experience and data from other western wind plants and in some cases, Midwestern plants." (4.14DEIS).

The impact analysis in the DEIS is an extrapolation from other sites that do not have the unique habitat features, iconic species that represent the shrub-steppe landscape of the southern Idaho Snake River plain. This presents some unique opportunities for on-site and off-site mitigation as a result of implementing the Project to private landowners, State and Federal agencies and to the principal proponent, Windland, Inc.

Our organization is not opposed to wind energy projects, and in fact generally encourages them to be built to ease the national dependency on non-renewable energy sources such as oil, gas and coal. We support utilizing many of the alternate energy source options that capitalize on wind power, solar voltaic products, and hybrid battery technology, mobile and stationary fuel cells. As to the Project proposed for the ridgeline along the Cottarel Mountains, we find that we can only support the Project after BLM and the proponent consider and incorporate many if not all of the following mitigation features, adaptive management and effectiveness monitoring tools into the Final EIS.

The applicant, Windland, Inc. in partnership with ShellWind Energy, Inc. a subsidiary of the Royal Dutch/Shell Group, submitted a right-of-way application to the BLM, Twin Falls District, Burley Field Office, requesting to build a 190-240 megawatt (MW), wind-powered electrical generation facility on the ridgeline of Cottarel Mountain, located about 15 miles southeast of Burley, Idaho and situated between the towns of Albion and Malta in Cassia County, Idaho. To accommodate this proposal, the BLM must amend the Cassia Resource Management Plan (RMP). A draft environmental impact statement was prepared in accordance with the National Environmental Policy Act, 1969 (NEPA) with the intent to provide the public and agency decision makers with a complete and objective evaluation of impacts resulting from the proposed action. Based on the analysis of the proposed action, the BLM has informed the public that the agency's preferred alternative "at this time" is Alternative C (DEIS ES-6). In order for the RMP to be modified to accommodate the proposal, a final EIS and Record of Decision will need to be made and published in the Federal Register.

The following specific comments address the Preferred Alternative, Alternative C as described by BLM in the DEIS (DEIS ES-6-8), with some comparison to Alternative B (DEIS ES-6) which is based on the description provided to BLM by Windland, Inc. and its president Roald Doskeland. Mr. Doskeland, Governor Dirk Kempthorne, and key members of the Chamber of Commerce of Minidoka and Cassia Counties have committed to make this proposal a reality within the next year. In statements made in a July, 2002, news release by Windland, Inc., Mr. Doskeland states that "we are excited to be bringing forward Idaho's first commercial wind project." Governor Dirk Kempthorne followed in the same news release that "Wind generated electricity such as the 200MW project, Boise based Windland, Inc. has proposed in Cassia County, will provide an opportunity for economic development while offering a reliable and cost-effective addition to our States generation portfolio." Mr. Carl Hansen, President

COMMENTS

RESPONSES

Letter #46 (continued)

of the Chamber of Commerce on Minidoka and Cassia Counties stated, "the Cottrel Mountain wind farm is consistent with the Chamber's plans for the area. It allows us to diversify from our agricultural base and capitalize on what in our area has economic value in the global market." The news release goes on to conclude, "tapping wind resources also reduces United States reliance on imported fossil fuels, and commercial wind farms such as the one Windland plans, brings new employment opportunities to rural portions of the state." Windland, Inc. www.windland.com July 18, 2002.

Specific Comments

First, the mitigation, adaptive management and funding for post-project monitoring as described in the DEIS is inadequate for a frontier energy project of this size in Idaho. Under Appendix F in the DEIS, Windland, Inc. president submitted a letter (as a Cooperative Agreement) to Wendy Reynolds, Field Office Manager, BLM in which Windland, Inc. will provide \$150k / year. While this is a letter of intent, it does not state for how many years Windland, Inc. will make contributions. We assume it will be for five years based on statements made elsewhere in the DEIS (Appendix D DEIS).

The formula for this contribution was derived from annual gross revenues which is "approximately one-half of one percent of the gross revenues received from the Cottrel Mountain wind farm electricity sales" or about \$150k for a 200MW project. The DEIS does not describe how or where this \$150k will be spent or who will have primary oversight authority. We can only assume it will be BLM and/or the Idaho Department of Fish and Game. Second, if we assume the 1/2 percent figure is correct and 1 percent of gross revenues are \$300k then annual revenues would be about \$30m. On page 4-46 of the DEIS, it states that "expected the total annual operational costs will be \$4.5m." On page 4-43 of the DEIS, it states that "approximate construction costs under Alternative B or somewhat lesser amount under Alternative C would be \$200m. With the ROW permit being issued for 30 years, the total revenue from the project during this time period is about \$900m. The proponent will have the project costs paid for in about eight years. Certainly, there is room for additional voluntary contributions from Windland, Inc. based on the BLM Instructional Memorandum No. 2005-069 (Appendix E DEIS) and the 1.8 cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5). We would support something between a 1 to 2 percent figure of the gross revenues to conduct adequate on-site monitoring, effectiveness monitoring, adaptive management and compensatory (off-site) mitigation.

Under Appendix D, Best Management Practices (BMP) Specific to Wildlife, the list of recommended strategies to reduce or avoid displacement and mortality of wildlife is comprehensive. Some careful thought went into developing these strategies. We also support the Effectiveness Monitoring (EM) aspects but have reservations about who will be conducting the specific tasks. Will this be done by a contractor or an agency? This should be specified somewhere in text of the DEIS. We would add that monitoring of behavioral changes and mortality of greater sage-grouse, big game and spring and fall migration of raptors and passerines should be a major focus under this section. The Habitat Loss/Degradation strategies listed in Appendix D seem adequate when linked with the actual footprint impacts that are associated with the Project. Again, the DEIS should identify who will be doing native plant restoration work, inspecting and monitoring on site soil storage areas, and collecting and storing native seed for site rehabilitation? Will there be adequate funding committed to all of the

COMMENTS

Letter #46 (continued)

above efforts?

Macro-mitigation proposal

While the above comments have focused on improving the funding to support a more detailed evaluation of the environmental effects resulting from the proposed Project, the following is a discussion of the offsite (compensatory) macro-mitigation needed to address both the immediate and cumulative effects of this project in south-central Idaho. This macro-mitigation proposal goes outside the box and uses the Windland, Inc. Cottler Wind Power Project as a catalyst to integrate and resolve other major pending resource issues that are shared by several State agencies including the Idaho Department of Water Resources, Idaho Department Lands and the Idaho Department of Fish and Game. Federal agencies that need to be engaged as part of the solution include BLM, Bureau of Reclamation, Natural Resource Conservation Service, Bonneville Power Administration and U.S. Fish and Wildlife Service.

In an April, 2005 conference sponsored by the Idaho Department of Water Resources titled the "Troubled Waters Conference," water issues across southern Idaho were highlighted, particularly the Snake River Plain water crisis and the over allocation of water shares and aquifer drilling permits. The following proposal when fully implemented can serve to satisfy a moderate portion of the mid-Snake water crisis, restore obligated flows for fish while providing critical wildlife mitigation as a result of building and operating the Cottler Wind Power Project.

Presently, various State and Federal agencies are struggling to determine mitigation values that will be lost for greater sage-grouse and many other species that reside along the Cottler Mountain ridgeline. This offsite macro-mitigation proposal can provide integrated management solutions in three areas of concern: 1) substantive habitat mitigation as a result of implementing the proposed Project; 2) moderate restoration flows to the mid-Snake River and its aquifer for the Hagerman trout farming industry, resident fish and Snake River salmon; 3) reduced litigation potential; 4) leadership provisions for future wind power projects that may be built in southern Idaho without intense State and Federal regulatory and public scrutiny.

Within the DEIS, impacts to wildlife and their habitat are considered based on the spatial and temporal impacts within the immediate area of the project.

"Primary effects would occur in direct proportion to the amount of potential habitat removed by the construction of the Proposed Project" (DEIS 4-17). "Alternative B would permanently eliminate about 200 acres, or about two percent of the 11,5000 acre Proposed Project area and temporarily alter an additional 164 acres" "Alternative C would be similar to, but slightly less than those of Alternative B in terms of the permanent and temporary disturbance footprints" (DEIS 4-18). The point for developing this frame of reference is to conclude that offsite mitigation is minimal and should be expanded and linked to cumulative impacts of building and permitting the Project for 30 years (FR/Vol. 67, No. 244 p. 77802). Regulations for implementing the National Environmental Policy Act (NEPA) require an assessment of cumulative effects in the decision-making process for federally permitted projects (DEIS 4-2). Cumulative effects are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 Code of Federal Regulations (CFR)(1508.7). The

4

RESPONSES

COMMENTS

RESPONSES

Letter #46 (continued)

discussion in the DEIS does describe but does not provide an assessment of cumulative effects. The description is worth noting since according to the DEIS "cumulative impacts include three other wind energy rights-of way (ROW) applications on BLM lands in Idaho, five 200 MW wind power projects and four 10 MW plants on private lands. Over 30 wind-monitoring towers are collecting data for possible site locations of additional wind power projects across southern Idaho" (DEIS 4-3), some of these projects, its safe to assume, will be developed by Windland, Inc.

The BLM and various other Federal and State agencies should consider an integrated mitigation plan that is commensurate with the entire Cottarel Project area of 11,500 acres (DEIS 4-17) or about 17.9 square miles of Federal, State and private lands and not just the footprint area for all project features of 365 acres (DEIS ES-6).

There are now only islands of native shrub steppe habitat extending east and north of the proposed Project to and across the Snake River and within the Raft River Valley. BLM has created extensive crested wheatgrass pastures during the past 30 years within the Raft River Valley and the State has permitted numerous center pivot irrigation projects (CPIP) both of which contribute to the fragmented landscape and make it unsuitable for greater sage-grouse and numerous other native species. Restoration of the shrub/forb/grass components in the crested wheatgrass fields is the first step of the offsite mitigation solution. Acreage for this step approximates 4,800 acres.

The second component of this macro-mitigation plan is to retire about 15 key CPIPs (approximately 7,000 acres) in the eastern and northern area of Raft River Valley and restore this acreage to shrub steppe through interagency cooperation. The combination of these actions will serve to provide habitat continuity, population and genetic exchange both north and south across the Snake River for greater sage-grouse, deer, antelope and many other avian, reptile, amphibian and mammalian species. The affects of this habitat restoration reach into Utah and Nevada and north across the Snake River to the Craters of the Moon National Monument and numerous valleys of the Snake River Plain. This is of critical importance, since it is the only possible native habitat corridor left in the entire mid Snake River Plain for about 130 miles to the east and 140 miles to the west of Raft River Valley. The 270 miles east and west of this corridor has sustained major changes during the past 100 years, mostly through habitat modifications for livestock grazing, the agriculture farm and dairy industry, hydropower projects, and build-out of urban and city centers.

The incentives for re-establishing habitat continuity are high. First, this serves to satisfy mitigation issues for the Cottarel Wind Power Project so that it can proceed forward in the environmental review and permitting process. Second, retirement of about 15 key CPIPs will solve a major issue faced by the Idaho Department of Water Resources; to find some if not most of the 133,000 acre feet of water needed for restoring the obligated flows of the Snake River and the mid-Snake aquifer. Water retired from the CPIPs will serve to contribute restoration of spring flows for the Hagerman Valley commercial trout production industry; contribute to the flushing flows needed for salmon; and help to meet minimum flows for resident fish of the mid-Snake River, particularly sturgeon. Further, implementing this offsite mitigation would contribute to a reduction of litigation potentials that both the State and some Federal agencies face without a satisfactory solution.

The compensatory mitigation solution proposed is only a framework and will require


COMMENTS

Letter #46 (continued)

cooperation from a number of State and Federal agencies, dialogue and support from the State legislature and Congressional representatives. The window of opportunity is open for key agencies to initiate this integrated solution, and set a standard for similar development decisions likely to increase over the next few decades. General funding for planning and initial implementation is in place but will require administrative reallocation should the BLM and other participating agencies decide to follow this strategic proposal.

We appreciate the opportunity to provide these comments and look forward to further dialogue with BLM as the final EIS is formulated for the proposed Project.

Sincerely,



James A. Mosher, Executive Director
North American Grouse Partnership
P.O. Box 408
Williamsport, MD 21979
301-223-1533

RESPONSES

COMMENTS

Letter #47

BLM - ID
BURLEY FIELD OFFICE
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Comments submitted on BLM's draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States

December 10, 2004

To Whom It May Concern:

The North American Grouse Partnership (NAGP) welcomes the opportunity to comment on the Bureau of Land Management's (BLM) draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States. We believe that commercial wind power development on public lands is an issue of great importance to the future of many species of raptors and grassland and shrubland-dependent wildlife, especially North American grouse. Because public lands often provide the last vestiges of expansive, unfragmented rangeland on which prairie grouse depend for survival, the nature of content of BLM's final PEIS is of great interest to NAGP and its growing membership.

NAGP is a non-profit organization whose mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction. Our membership spans all of North America, with Chapters engaged in conservation projects and many local working groups addressing grouse management issues.

After reviewing BLM's DPEIS, NAGP offers qualified support for the proposed alternative to establish an overarching programmatic document that guides wind power development on all BLM lands. However, we provide this comment with multiple caveats, discussed later, that relate to the specific content of particular sections of the DPEIS.

The other alternatives proposed, i.e. "no action" and "no new projects", do not reflect the interests of NAGP and what we believe is in the best interest of grouse conservation nationwide. Specifically, the "no action" alternative would allow wind power development projects to proceed, but all direct and indirect impacts to grouse and other wildlife species of concern would have to be repeatedly debated on a case-by-case basis. Apart from creating a greater work load for NAGP leadership to "reinvent the wheel" to guarantee basic resource conservation on each and every project, this alternative would allow inconsistencies among projects throughout the country. NAGP realizes, as the DPEIS indicates, that regardless of whether a programmatic BLM document exists or not, specific wind projects and the Resource Management Plan amendments required to facilitate them will allow ample opportunity for NAGP input related to site-specific and species-specific concerns.

The "limited wind energy development" alternative would only allow currently pending or proposed wind development projects to proceed, and would prohibit any new projects

RESPONSES

Sent as an attachment to Letter #46. No response on this letter will be provided.

COMMENTS

Letter #47 (continued)

on BLM lands in the future. The NAGP wants to emphasize that we do not unilaterally oppose wind power development on public lands. In fact, we believe that expanding and facilitating the adoption of alternative energy sources in the U.S. is important to our collective future. We are firm in the opinion that wind power development, when properly sited, monitored and researched, is not exclusionary to wildlife conservation.

Our specific comments related to sections of the DPEIS are as follows:

The DPEIS states (Section 1.2) that "The analysis conducted in preparation of this PEIS was based on current, available, and credible scientific data. Programmatic policies and BMPs incorporated into the BLM's proposed Wind Energy Development Program are based on an interpretation of these scientific data and decisions on relevant mitigation requirements. Direct and indirect impacts of wind energy development on the environment, social systems and the economy, as discussed at the programmatic level, have been evaluated. Cumulative impacts associated with the proposed action have also been evaluated." The DPEIS further states that "... this PEIS identifies the range of potential impacts and identifies relevant mitigation measures."

The NAGP questions the accuracy of these statements. First, substantial scientific interest and credible input from grouse experts across the country have been generated on the subject of wind turbine placement in sensitive grouse habitats over the last 2-3 years. In fact, the American Wind Energy Association (AWEA) now recognizes that habitat fragmentation, and not collision, is a principle concern determining wind project siting. However, throughout the DPEIS, little if any discussion is given to potential for serious indirect impacts to prairie grouse and other grassland-dependent species. The potential impacts due to habitat fragmentation are so severe and so well-recognized that one state (KS) went so far as to put a moratorium on any future wind developments in key grouse areas. Yet, this DPEIS gives almost no discussion to the degree of risk to prairie grouse, especially Sage Grouse.

This DPEIS neither adequately identifies the range of potential impacts nor has the ability to identify relevant mitigation measures. Lacking the comprehensive research to substantiate this claim, NAGP's position is that programmatic-approved commercial wind projects should not be allowed to proceed throughout this nation's public lands. Ample opportunities to conduct and review the necessary research are currently available on private lands.

Concerning the cumulative effects of all future projects on BLM lands, the DPEIS indicates that the maximum possible extent of future wind energy development over the next 20 years could exceed 20 million acres, or nearly 9 percent of the total BLM land area in the west. NAGP is concerned that these acreage estimates are based on the actual footprint of the wind facilities, and not inclusive of the immediate surrounding habitats that will likely be indirectly affected via habitat abandonment and avoidance due to structural habitat fragmentation. Greater clarification on the potential acreage impacted is needed in the final document, and we recommend that BLM include, at a minimum, a 1-mile radius of impact surrounding each turbine.

RESPONSES

COMMENTS

RESPONSES

Letter #47 (continued)

In table 2.2.1-1, the DPEIS identifies the total amount of "potentially developable land", and then identifies the "total economically developable land". The NAGP cannot provide comments on these acreage figures because the DPEIS does not identify how these areas are determined. This needs clarification in the final PEIS. We strongly caution, however, that the "variety of factors e.g., economic, social, and political that are beyond BLM's control or influence . . . could markedly change over the next 20 years. If anything, the demand for domestic, renewable energy sources will increase, rather than decrease, BLM's current projected acreage estimate. This DPEIS alludes otherwise, which we believe is an inaccurate portrayal.

In section 2.2.3.2.2., the Plan of Development Preparation, the DPEIS requests that operators conduct surveys for federally and/or state-protected species of concern, including special status plant and animal species, within the project areas and design the project to minimize or mitigate the impact to these resources. The NAGP has two specific comments regarding this section. First, it has been our observation that few wind developers allow adequate time or resources to properly survey potential development areas pre-construction. Often time, they will allocate a few thousand dollars over the course of two weeks to determine presence/absence. This is woefully insufficient to determine the direct, indirect, and cumulative impacts to grouse populations. Further, too much emphasis is given to temporally avoiding disturbance of "mating grounds", presumably prairie grouse leks. Even a cursory investigation into grouse ecology reveals that disturbance during the lekking period is not the primary concern - it's habitat fragmentation throughout individual birds' home ranges year round that is the ultimate problem. Merely shutting down site construction for the 2-week peak of lekking activity does almost nothing to protect the species in the vicinity long term. While leks are an easy location to determine presence or absence of grouse species, far too much emphasis is placed on temporal lek protection as a substitute for proper landscape level planning to avoid, minimize, and mitigate resulting habitat fragmentation of the wind structures.

Along those same lines, throughout the entire DPEIS document, especially in regard to wildlife and ecological concerns, BLM repeated indicates that they will minimize and mitigate resource impacts. As stated earlier, this task cannot be carried out without the comprehensive research data that is currently lacking. However, our issue is that, in conflict with almost all other guidance for federal activities, BLM's DPEIS does not suggest to first "avoid" impacts. Clearly, there will be a large number of proposed wind development sites where construction is simply not appropriate due to overwhelming ecological concerns. We urge the authors to incorporate the words "avoid, minimize, and mitigate", in that specific order, where direct and indirect impacts are likely.

In this same section, the DPEIS appears to have made several significant oversights relative to wildlife impacts. First, it says nothing about the potential for removing wind turbines should post-construction impact exceed those predicted. Given that grouse experts have voiced a near-consensus opinion that the indirect impacts to grouse could be severe, NAGP's position is that a removal stipulation should be required for all new facilities that are constructed on BLM lands. Especially if BLM's primary intention for

COMMENTS

RESPONSES

Letter #47 (continued)

drafting this programmatic document is to hasten construction without adequately quantifying direct, indirect, and cumulative impacts, the NAGP strongly requests that stipulations be in place to reverse unforeseen and unacceptable damages to natural resources. Likewise, until an adequate and thorough research base is established, BLM should include in this section the requirement that adequate pre and post-construction research be funded by the developers on all wind projects installed within occupied grouse habitats.

Under section 2.2.3.2.3 – Construction, the DPEIS will require that operators restore the site to “natural habitat” post construction. Again, the NAGP emphasizes that the greatest concern with wind power development is the structural habitat fragmentation from the tower itself, and not the soil disturbance on the construction pad. This type of habitat degradation can neither be minimized nor restored. This section gives no treatment to the issue of greatest potential risk to wildlife.



COMMENTS

Letter #48

BLM-ID
BURLEY FIELD OFFICE
RECEIVED

2005 SEP 16 AM 11 20

September 9, 2005

Scott Barker, Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

Re: Proposed Cottrel Wind Power Project Draft Environmental Impact Statement

The Twin Falls District Resource Advisory Council (RAC) has had the opportunity to be involved in the Proposed Cottrel Wind Power Project. This has been a long and tedious process and we appreciate the time the BLM has allocated to this council.

We have reviewed the Draft Environmental Impact Statement (DEIS) and have recognized the collaboration required, the environmentally sensitive issues and the human impacts that would be inherent in an EIS of this nature. At this time we would like to express our concerns and observations on this document.

While the preferred Alternative C does address the possible impacts to livestock and how these impacts would be mitigated, the draft does not fully or clearly address how livestock grazing would be treated during the restoration process. This restoration process, according to the draft document, will require 3-5 years for completion. This process will involve the re-seeding of the disturbed areas. Typically, after a restoration project is completed the BLM requires no grazing on the restored sites for a minimum of 2 growing seasons. This would be a grazing impact that was not thoroughly addressed in the document. We recommend that the BLM require the proponent to develop some form of mitigation plan that allows uninterrupted livestock grazing. This mitigation could involve the ribbon fencing of the restored areas or the use of the Dale Pierce Allotment. Granted, the long-term impacts should be minimal to livestock grazing.

There is a statement in the document that should be clarified. The statement is located under the decommissioning heading at 2-22 and 2-23. It states "the ROW would then revert back to BLM control." This implies that the ROW is in complete control and ownership of the proponent. Therefore, what control would the BLM then have over the project? In reality, the ROW would be granted to the proponent but under the guidelines and stipulations of the BLM. The statement above does not imply this.

We would recommend that the BLM consider re-locating the batch plant approx. 2 miles to the north from the proposed site in Alternative C (the preferred alternative). The first reason being that as proposed the plant would be located in a mountain mahogany site (see fig. 3.2-1 at 3-14). This plant species, though not rare or sensitive, tend to locate themselves in very site specific areas. When disturbed due to fire, construction or other events, their regeneration is extremely slow and sometimes not at all. We realize that the proposed batch plant site was positioned to be centrally located so that the finished

RESPONSES

- A. Typically, the restoration process regarding linear rights-of-way does not involve restriction of grazing as does a restoration project covering a large area such as a fire, chaining or other vegetative treatment. It is difficult to restrict grazing on a long linear disturbance without keeping livestock out of an entire allotment or constructing an inordinate amount of temporary fencing. Reclamation can be more difficult with livestock present on the seeded areas, but normally with diligent monitoring and in some cases, repeated seedings, successful reclamation is possible. A case in point would be the Northwest Pipeline project constructed through the Raft River, Kunua and Dale Pierce Allotments back in 1992. This large diameter pipeline construction project disturbed vegetation through these allotments to a width of up to 200 feet. Grazing was never restricted in this area and although reclamation was slow, it was ultimately completely successful. In the event that livestock cause an insurmountable problem with reclamation of disturbed areas within the proposed rights-of-way, fencing and use of the Dale Pierce Allotment would be considered. This eventuality will be considered in the preparation of the project Plan of Development if the proposed project is approved.

COMMENTS

Letter #48 (continued)

product can be quickly dispensed to the required locations. Re-locating the plant in closer proximity to the proposed substation (Alt. C) could possibly reduce a disturbance footprint and would still maintain a somewhat centralized location. A preferred location farther north would help to lessen traffic congestion of the batch plant commodities (i.e. gravel, sand, etc.) moving to the south and finished product moving to the north. This could possibly eliminate one turn-out site. While this re-location would not reduce truck trips it should reduce congestion.

In the event that this project comes to be, the proponent should be obligated to enter into a co-operative noxious weed management agreement to contain the spread and introduction of noxious weeds. The proponent should provide the funding for the control of noxious weeds in the project area. This should be separate money outside of the mitigation/compensatory off-site funds.

We support the compensatory mitigation money requirement and also the requirement for bonding. A project of this size should be held liable for decommissioning and restoration should the project cease. Please ensure that the compensatory/off site mitigation money is not depleted by undo analysis or administrative affairs but effectively used "on the ground."

The Twin Falls District RAC would ask that the above stated issues are addressed and that this council supports the Preferred Alternative - Alternative C. We thank you for the opportunity to comment on the DEIS regarding the Cottarel Wind Power Project.

Sincerely,



Kelly B. Adams
Chairperson
T.F. District RAC

RESPONSES

B. As stated in your comment, the granting of a right-of-way provides the grantee the opportunity to utilize the public lands included in the grant for the purposes granted and in accordance with the appropriate right-of-way regulations and the terms and conditions of the particular grant. Complete control over the land and ownership of the land are not conveyed to the grantee. Rather than state that "the ROW would then revert back to BLM control", it would be less confusing to state "the ROW would then be terminated". This will be corrected in the Final EIS.

C Thank you for this suggestion. It will be considered in the preparation of the project specific Plan of Development, if the right-of-way is approved.

D. The Best Management Practices in Appendix C of the Draft EIS (see #'s 3 and 4 on page C-3) require the Applicant to control weeds within the limits of the right-of-way and to consult with the authorized officer and local authorities on acceptable weed control methods. In addition, the Applicant would be required to prepare a noxious and invasive weed plan that would include but not be limited to: preconstruction inventories and post construction monitoring to prevent and treat the spread of weeds, cleaning of construction equipment entering and leaving the construction site, and use of certified weed free seed, straw and other construction materials.

COMMENTS**Letter #48 (continued)****RESPONSES**

- E. Thank you for your suggestion. Your concern is noted and will be considered in the formation and chartering of the technical steering committee that would manage the compensatory mitigation fund.

COMMENTS

Letter #49

BLM - ID
BURLEY FIELD OFFICE
RECEIVED

September 8, 2005

2005 SEP 16 AM 11 20

Scott Barker, Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

Re: Proposed Cottarel Wind Power Project Draft Environmental Impact Statement

I have had the opportunity to be involved in the Proposed Cottarel Wind Power Project. This has been a long and tedious process and I appreciate the time the BLM has allocated to involve the public. I have reviewed the Draft Environmental Impact Statement (DEIS) and have recognized the collaboration required, the environmentally sensitive issues and the human impacts that would be inherent in a DEIS of this nature. At this time I would like to express my concerns and observations on this DEIS.

While the preferred Alternative C does address the possible impacts to livestock and how these impacts would be mitigated, the draft does not fully or clearly address how livestock grazing would be treated during the restoration process. This restoration process, according to the DEIS, will require 3-5 years for completion. This process will involve the re-seeding of the disturbed areas. Typically, after a restoration project is completed the BLM requires that no grazing occur on the restored areas for a minimum of 2 growing seasons. This would be a grazing impact that was not thoroughly addressed in the document. I would recommend that the BLM develop a mitigation plan that allows uninterrupted livestock grazing. This mitigation could involve the ribbon fencing of the restored sites or the use of the Dale Pierce Allotment. Granted, the long-term impacts should be minimal to livestock grazing.

There is a statement in the document that should be clarified. The statement is located under the decommissioning heading at 2-22 and 2-23. It states "the ROW would then revert back to BLM control." This implies that the ROW is in complete control or ownership of the proponent. Therefore, what control would the BLM then have over the project? In reality, the ROW would be granted to the proponent but under the guidelines and stipulations of the BLM. The statement above does not imply this.

I would recommend that the BLM consider re-locating the batch plant approx. 2 miles to the north from the proposed site in Alternative C (the preferred alternative.) The first reason being that as proposed the plant would be primarily located in a mountain mahogany site (see fig. 3.2-1 at 3-14.) This plant species, though not rare or sensitive, tend to locate themselves in very site specific areas. When disturbed due to fire, construction or other events, their regeneration is extremely slow and sometimes not at all. I realize that the proposed batch plant site was positioned to be centrally located so that the finished product can be quickly dispensed to the required locations. Re-locating the plant in closer proximity to the proposed substation (Alt. C) could possibly reduce a disturbance foot-print and would still maintain a somewhat centralized location. A

RESPONSES

Letter #49 raises the same points as Letter #48. The comments have been addressed under Letter #48. Therefore, no further responses are provided here.

COMMENTS

RESPONSES

Letter #49 (continued)

preferred location farther north would help lessen traffic congestion of the batch plant commodities (i.e. gravel, sand, etc.) moving to the south and finished product moving north. This could possibly eliminate one turn-out site. While this re-location would not reduce truck trips it should reduce congestion.

In the event that this project comes to be, the proponent should be obligated to enter into a co-operative noxious weed management agreement to help contain the spread and further introduction of noxious weeds. The proponent should provide the funding for the control of noxious weeds in the project area. This should be separate money outside of the mitigation/compensatory off-site funds.

I support the compensatory mitigation money requirement and also the requirement for bonding. A project of this size should be held liable for decommissioning and COMPLETE restoration should the project cease. Please ensure that the compensatory/off site mitigation money is not depleted by undo analysis or administrative affairs but effectively used "on the ground."

I would ask that the above stated issues be addressed and I thank you for the opportunity to comment on the DEIS regarding the Cotterel Wind Power Project. Please send any correspondence to: Kelly Adams at P.O. Box A, Burley, Idaho 83318.

Sincerely,



Kelly Adams

COMMENTS

Letter #50

David J. Ryzak
617 E. 18th Way
Burley, Idaho 83318

September 15, 2005

Mr. Scott Barker
Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

re: Cottrel Mountain Wind Project

Dear Mr. Barker:

I support and highly recommend adoption of Alternative B: Applicants Proposed Action in regards to development of the proposed Cottrel Mountain Wind Project. Development of wind power resources in the United States is essential to minimize dependence of the United States on foreign supplies of fossil fuels. There is no doubt that the population of the United States will continue to increase, and along with it the need for dependable supplies of electrical energy.

A growing world population along with booming economies in China and India; the world's two most populous nations; is putting upward pressure on the price of oil. Effects from Hurricane Katrina have had a severe impact on the upward price of oil, with oil having reached \$70/barrel briefly, and gasoline in this area going up to \$2.99/gallon. A number of refineries are still shut down as well as offshore oil wells and drilling platforms in the Gulf region. Compare the amount of ecological damage that was caused by Hurricane Katrina with the amount of ecological damage that will be caused by the development of the Cottrel Mountain Wind Project. The ratio must be 1000's to one.

With continued political and religious turmoil in the Middle East, it is only a matter of time before the dissidents figure out how to blow up several major pipelines, refiners, and oil tankers all at the same time. It may happen in the Middle East, or if they get their wish, it will happen here. When that happens, we might be looking at \$100/barrel oil and \$5.00/gallon gasoline. Compare the amount of ecological damage from that kind of disruption to the amount of ecological damage that will be caused by the development of the Cottrel Mountain Wind Project. The ratio must be 1000's to one. As it is the dissidents have blown up a number of pipelines, and it is unlikely the ecological damage is being repaired.

The Clover Fire earlier this summer which was west of here burned over 200,000 acres. How many sage grouse nesting sites were destroyed by the fire? When you add the nests destroyed by the development of all those unauthorized roads/trails used to reach the fire, how many total sage grouse nests were destroyed? Surely that total is much greater than any similar destruction that could be caused by the implementation of Alternative B. Therefore, put everything into perspective and you will find that adoption of Alternative B; Applicants Proposed Action is the right action, the right alternative to support.

Sincerely,

David J. Ryzak
David J. Ryzak

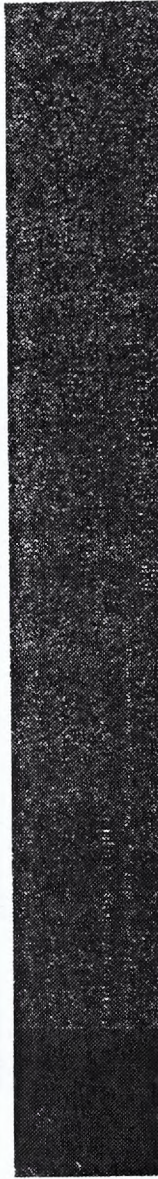
RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

RESPONSES

Letter #51



Scott Barker, Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

September 16th, 2005

RE: Idaho Conservation League Comments Regarding the Proposed Cottarel Wind Power Project DEIS

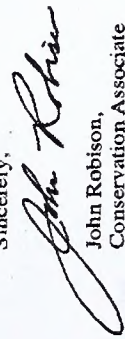
Dear Scott Barker,

Thank you for allowing us to comment on the Proposed Cottarel Wind Power Project DEIS. For thirty years, the Idaho Conservation League has worked to protect Idaho's clean water, wilderness, and quality of life. As Idaho's largest statewide conservation organization, we represent over 3,400 members, many of whom have a deep personal interest in ensuring that energy developments are consistent with multiple use goals of protecting our water, wildlands, and wildlife.

We would like to express our continued support for renewable, alternative forms of energy such as wind power, especially in lieu of traditional forms of energy such as coal, oil, gas, nuclear, or hydroelectric forms of energy. After reviewing the Cottarel Wind Power Project DEIS, we have decided to support a modified version of Alternative C. The details of this modification are attached in our comments. The modifications we have suggested will help to provide more alternative energy, provide more funds for off-site mitigation, and may even produce a net benefit to fish and wildlife in the region. We have also provided a description of some potential off-site mitigation opportunities.

Once again we thank you for the opportunity to submit comments on this project. Please send us any subsequent documents for this project. We look forward to continuing to work with the Burley Field Office on this project and others in the future.

Sincerely,


John Robison,
Conservation Associate

COMMENTS

Letter #51 (continued)

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEISRecommended Alternative
Alternative C with revisions

The Idaho Conservation League would like to express its continued support for alternative forms of energy such as wind power as opposed to proposals for traditional forms of non-renewable energy such as coal. We also have a vested interest in insuring that energy projects are implemented in a way that minimize environmental impacts and provide a net environmental benefit. Wind energy has the potential to diversify the nation's energy portfolio and meet future demands, while still minimizing environmental impacts compared to coal, oil, gas, nuclear, or hydroelectric forms of energy. While wind energy project may result in some negative local environmental impacts, coal, oil, gas, nuclear, and hydroelectric forms of energy result in more large-scale, regional, or even global environmental impacts.

In determining our level of support for any of the alternatives analyzed in the Cotterel DEIS, we considered a number of factors. Of particular concern is the trade-off between minimizing local environmental effects and maximizing the potential for overall project success and funding for off-site mitigation. In terms of the "big picture", regional, or landscape level costs and benefits of this project proposal, we believe the potential exists to provide an alternative source of energy and, at the same time, constructively implement some off-site mitigation opportunities that will both mitigate effects and help solve other regional environmental issues.

After reviewing the DEIS, maps for the project, and hearing a presentation on the project, we support a variation of Alternative C that increases wind production and decreases impacts on sage grouse. We believe it is possible to modify Alternative C so that it takes advantage of the high wind resource potential along the west turbine string^{1,2}. Failing to develop this area would result in far less compensatory funds for significant off-site mitigation opportunities and reduce the overall success of this project. Although this string was not developed due to visual concerns, there are not any significant additional wildlife issues in this area relative to the rest of the project. As such, we suggest modifying Alternative C so that this west string is included.

The DEIS did show that there may be conflicts from the construction and operation of the four southern-most turbines of the east turbine string on wildlife. In particular, there are three sage grouse leks and a golden eagle pair nest located near these four turbines. As such, we recommend deleting these four southern-most turbines on the east string.

To summarize, we support Alternative C with the addition of the west string of turbines and the deletion of the four southern-most turbines of the east string. Under such a

¹ Heckler, Mike. August 26th, 2005. Windland, Inc. Personal communication.

² DEIS, Figure 1.0.2. Estimated wind speed for Cotterel Mountain area, p. 1-3.

RESPONSES

- A. Turbines along the west ridge were eliminated from Alternatives C and D due to visual resource impacts. The siting of turbines along the west ridge would place turbines within a mile of existing home sites. Turbines on the west ridge would also be highly visible to drivers on the Back-Country Byway and from the road to the Pomerelle Mountain Resort.

COMMENTS

Letter #51 (continued)

RESPONSES

proposal, there would be a net increase of three turbines compared to Alternative C and there would be additional revenue and funds available for off-site mitigation in comparison to Alternatives C or D. Although Alternative B would maximize returns, we are unable to support Alternative B in light of the fact that neither compensatory/off-site mitigation nor use of BLM BMPs would be incorporated in the project³.

Monitoring Efforts

Sage grouse effects

The DEIS states that it is largely unknown how sage grouse might respond to wind turbines on Cottarel Ridge⁴. We believe that the implementation of the Cottarel proposal provides an excellent opportunity to help fill the void regarding how sage grouse will respond to wind turbines. Sage grouse radio telemetry studies should continue during the construction phase as well as following the completion of the project. Windland, the BLM, the Idaho Department of Fish and Game, and possibly Idaho universities should collaborate on research studies to gather data regarding how sage grouse react to wind turbines on Cottarel Ridge.

Bird and bat mortalities

We appreciate the fact that pre-project avian point-count surveys, bat surveys, and sage grouse radio telemetry surveys have been conducted as part of the analysis for the Cottarel proposal. In addition, Windland, Inc. and the BLM should continue to monitor the project site for post-project avian and bat mortality associated with turbines. Table 4-6 in the DEIS (Estimated Annual Fatality Ranges, by Alternative, for Birds at Bats at the Proposed Project) provides mortality estimates based on the number of turbines, the number of megawatts, and based on every 3,000 m² of rotor swept area. These estimates vary greatly, and hence are not very useful in determining the potential impacts of the Cottarel wind energy proposal on birds and bats. This necessitates the need for continued monitoring following the implementation of the project to insure that mortality is minimized and mitigated for.

It will also be important to monitor for avian mortality including raptors, migratory birds, corvids, doves, gulls, passerines, etc. According to the DEIS, the turbines proposed for Cottarel Mountain would dimensionally have the lowest blade height 95 to 98 feet off the ground⁵. In a study of red-tailed hawks, Hoover and Morrison (2005) produced data showing that red-tailed hawks were kiting at a distance of 15-35 meters (49.2 ft.-114.8 ft.) above the ground⁶. This kiting behavior would put red-tailed hawks on Cottarel Ridge at a height within a portion of the rotor swept area of the turbines if constructed. Because of this potential, and since other raptors such as ferruginous hawks, peregrine falcons, prairie falcons, golden eagles, Swainson's hawk, Bald eagles, and other avian species such as Brewer's sparrow, grasshopper sparrow, loggerhead strike, pinyon jay, plumbeus

B. Once the project enters the operational phase, sage-grouse radio telemetry studies and lek surveys would be funded by the Compensatory Mitigation Fund. The technical steering committee would determine the allocation of funds for any continuation of sage-grouse studies.

C. Appendix D of the Draft EIS contains an overview the fatality monitoring protocol. A detailed fatality monitoring protocol will be included in the Plan of Development for the proposed project. Fatality monitoring would occur for a five year period following completion of project construction. The fatality monitoring protocol outlined in the Draft EIS is consistent with the fatality monitoring methods conducted at other operational wind power projects located in Oregon and Washington. This will allow the results of the fatality monitoring to be comparable to the findings at other wind power projects.

³ DEIS, Table 2.8-1, p. 2-45.

⁴ DEIS, p. 4-35.

⁵ DEIS, p. 2-4.

⁶ Hoover, S.L., and M.L. Harrison. 2005. Behavior of red-tailed hawks in a wind turbine development. *Journal of Wildlife Management*. 69(1): 150-59.

COMMENTS

Letter #51 (continued)

c vireo, sage sparrow, sage thrasher, northern harrier, American kestrel, turkey vulture, short-eared owl, and great horned owl are likely to be found flying or kiting at a height that would be within the rotor swept area of turbines, monitoring for all avian species is necessary to minimize and mitigate mortality.

Migratory patterns

The monitoring study should investigate both seasonal and diurnal patterns of use per species. Monitoring efforts should look for any significant "pulses" of birds or bats passing through the Cotterel Mountains. Johnson et al. (2004) showed a peak in migratory bat mortality as a result of turbine collisions at the Buffalo Ridge wind plant in southwest Minnesota during the post-breeding southward migration period from mid-July through the end of August.⁷ The migratory bat species at Buffalo Ridge included hoary, eastern red, and silver-haired bats. Of these three species, hoary and silver-haired bats occur on Cotterel Mountain.⁸

Variables affecting mortality

d The study should also examine correlations between blade speed, angle, and working turbine configuration (East turbine string, West turbine string, etc.) and bat and bird mortality. For example, a moving blade might be significantly more hazardous to birds and bats than a stationary blade or a particular string of turbines in a certain area might be responsible for a large percentage of mortalities.

Adaptive management

e If monitoring shows that a significant percentage of raptors, passerines, or raptors passes through the area in a short time period, and that turbine operation is a significant mortality factor, it may be possible to adapt operations to accommodate distinct pulses of migratory wildlife. For example, the operator may be able to modify blade angles, slow blade speeds, shut down a certain percent of the turbines, or shut down certain turbine strings to significantly reduce mortalities during these limited times.

Given the sporadic nature of wind production (the operator can produce power only when the wind is above a certain minimal speed and quality), these temporary accommodations in operations may or may not result in significantly reduced mortalities. The monitoring effort should also examine the number of days that turbines are in production and see if turbine operation (active blades vs. nonactive blades) is actually a limiting factor.

If monitoring shows that modifying energy production can significantly reduce mortalities, additional studies should be conducted in how to implement these modifications most effectively. Seasonal movements of birds and bats are difficult to predict far in advance, particularly with behavioral adaptations to global warming. Monitoring stations could be set up far enough along migratory corridors to give some advanced notice (6-12 hours) when a pulse of birds or bats are moving through. Energy

⁷ Johnson, G.D., Perlak, M.K., Erickson, W.P. and M.D. Strickland. 2004. Bat activity, composition, and collision mortality at a large wind plant in Minnesota. *Wildlife Society Bulletin*. 32(4): 1278-88.
⁸ DEIS, p. 4-20.

RESPONSES

D. As stated above, fatality monitoring would occur for a five year period following the completion of project construction. Any monitoring of migratory bird patterns would be conducted under the Compensatory Mitigation Fund. The decision to conduct monitoring of migratory bird patterns on Cotterel Mountain would be made by the Technical Steering Committee. Protocols to conduct monitoring of migratory bird patterns would also be developed by the Technical Steering Committee.

E. A more comprehensive adaptive management discussion is in the FEIS. A core principal of adaptive management is to learn over time and to adapt to conditions. The operation of the Cotterel Wind Energy Project would be continuously monitored -- mechanically, electrically, meteorologically, and biologically. We would learn over time about the operations of the turbines and their relationships to the natural environment. As we understand the turbines and their relationships to the natural environment from our monitoring over a meaningful duration of time, then adaptive management can be used to address emerging problems. At the large scale of the proposed project, there would be some

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Letter #51 (continued)

production could be modified to reduce mortalities during these pulses. Hydroelectric operations regularly alter energy production to accommodate migratory patterns of native fish species.

The FEIS should direct the operator to examine the environmental and economic effects of seasonal or diurnal adjustment delete border as part of their long-term monitoring program. The recommendations from this study should be used to determine a cost-effective balance between wildlife impacts and economic benefits. The FEIS should also clarify who will conduct the monitoring aspect of the project.

Other Concerns that Need to be Addressed in the FEIS

Bighorn Sheep Reintroduction

Although the DEIS states that it will not address the potential impacts of the project on the suitability for the reintroduction of Bighorn sheep on Cottarel Ridge⁹, the DEIS also states that Cottarel Mountain has been identified as potential bighorn sheep range. Furthermore, on at least on one occasion this area was used by a ewe and her lamb as a result of bighorn sheep reintroduction at Jim Sage Mountain, eight miles to the south.¹⁰ Since Cottarel has been identified as potential range for bighorn sheep and as a site for possible reintroduction, the DEIS should address bighorn sheep reintroduction as a "foreseeable action."

Spur Road Construction

It is unclear in the DEIS if the total new road construction under the various alternatives presented in Tables 2.4-1, 2.5-1, and 2.6-1 includes the spur roads that would be used to access turbines for maintenance purposes. The description of the spur roads only states that spur roads would be 8 feet wide, and about 120 feet long¹¹. The DEIS should clarify whether total new road construction includes these spur roads and whether these spur roads would be obliterated and revegetated.

Transmission Interconnect Lines

Page 2-16 of the Cottarel Wind Power Project DEIS states that transmission lines and structures would be designed to prevent the perching of avian species in accordance with "Suggested Practices for Raptor Protection on Power Line-The State of the Art in 1996" by Olendorff et al. (1996). Perching raptors and other avian species are generally electrocuted by phase-to-phase, phase-to-neutral, or phase-to-ground connections¹² when they spread their wings into power lines and/or transformers. Some raptor species found in the project area such as Bald eagles have wingspans of up to 80 inches in length. Power lines need to be spaced far enough apart to prevent electrocution when avian

level of impact on birds and bats, including fatalities. Adaptive management strategies are designed to recognize and respond to severe repetitive and recurring fatality incidents caused by individual turbines, if they occur, by analyzing long term monitoring data, in order to reduce them.

F. The reintroduction of big horn sheep to Cottarel Mountain is deemed outside the scope of this EIS because the IDFG has no current or future plans to ever reintroduce big horn sheep to Cottarel Mountain.

G. The total proposed project road miles include the spur roads that would be used to access turbines for maintenance purposes. The 8 foot wide roads would be permanent features of the proposed project and would not be obliterated or revegetated.

H. The final design of the transmission interconnect lines will be included in the Plan of Development for the proposed project. Every effort will be made to make the transmission interconnect lines as well as all other electrical components of the proposed project safe to raptors and other species.

⁹ DEIS, p. 1-12.

¹⁰ DEIS, pp. 3-25, 3-26.

¹¹ DEIS, p. 2-12.

¹² Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition, EDM International, Inc. Fort Collins, CO.

COMMENTS

H. Letter #51 (continued)

species spread their wings. It appears that based on Figure 2.3-3¹³, the power lines would be spaced about 7.5 feet apart. In addition, the power lines would be suspended from the crossarm rather than strung across the top of the crossarm. These are important design features that will minimize raptor and avian mortality as a result of perching. However, Figure 2.3-3 needs to provide more dimensions including the spacing between the power lines, the distance from the crossarm to the suspended power lines, and the height of the pole tops above the crossarm for clarification.

In addition, electrocution can occur where pole-mounted equipment such as transformers, capacitors, regulators, and reclosers are found¹⁴. The Cotterel Wind Power Project DEIS needs to describe the measures that will be taken to prevent such electrocutions. Suggested options include the use of bushing covers, insulated jumper wires, and bird spikes between cutout/arrestors¹⁵.

Secondary and tertiary effects

We are also interested in potential secondary and tertiary effects from this project. For example, if there is a significantly increased mortality in bird and bat species, there might be a concomitant increase in populations of scavenger species such as coyotes, foxes, and ravens. The increase in predatory species may have negative effects on prey species in the greater area such as sage grouse.

Cumulative Effects

The cumulative effects analysis in the Cotterel Wind Power Project needs to include a discussion on the potential combined effects of the nearby Burley Butte Wind Power Project currently under construction, as well as other proposed wind power projects in Southeastern and Southern Idaho including the Windland, Inc. proposal near American Falls, the Ridgeline Project, and the Golden Valley Project.

*Mitigation measures**Amount of voluntary compensation for conservation efforts*

We still have some significant questions regarding the off-site mitigation proposed in the DEIS that need to be clarified in the FEIS. To fund wildlife mitigation efforts, Windland offered a cooperative agreement to provide an estimated 0.5% of gross revenues, which is roughly \$150K for a 200MW project. The DEIS does not describe who will manage the fund or how it will be allocated. Furthermore, this agreement does not specify how many years this payment will be made. We believe that, given the increase in wind power demand and the 1.8-cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5), that the conservation contribution from gross revenues should be increased from 0.5% to between 1-2%.

¹³ DEIS, p. 2-8.

¹⁴ Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition. EDM International, Inc. Fort Collins, CO.

¹⁵ Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition. EDM International, Inc. Fort Collins, CO.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS.
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RESPONSES

I. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS. A discussion of the other wind power projects (existing and proposed) within the Snake River Plain and their potential effect on resources has been prepared.

J. Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the Technical Steering Committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. The \$150,000 voluntary compensatory mitigation is all that can be required of the Applicant and would constitute the available off-site mitigation funds for this project.

COMMENTS

Letter #51 (continued)

Use of funds

The funds generated for off-site mitigation for wildlife must be accompanied by the caveat that they are strictly to be used for the benefit of wildlife, fish, and the environment. Under no circumstance should these funds be available for other purposes. If additional measures are necessary to mitigate for local visual, community, economic or other non-wildlife concerns, funding for this mitigation should come from another source and not the percentage devoted to wildlife mitigation.

Effects on sage grouse

Implementation of any alternative for wind energy development under the Cotterel Wind Power Project DEIS will result in local, micro-level declines in sage-grouse habitat. There are at least four active sage-grouse leks on Cotterel ridge¹⁶, which are likely to be vacated by sage grouse as a result of the implementation of this project. Welch (2005) recommends that disturbances and management activities should not occur within two miles of an occupied lek and cites sources that recommend an even greater radius of exclusion of disturbances and management activities surrounding sage-grouse leks¹⁷. The nearest lek is 0.62 miles away from the proposed turbine string, and turbines would be visible from that lek¹⁸. The concern with wind turbine projects is not that sage grouse mortality would occur as a result of collisions with wind turbines but instead is associated with the fact that sage grouse will probably be uncomfortable with the presence of turbines. The security of sage grouse is likely to suffer drastically since sage grouse are likely to perceive wind turbines as perching sites for raptors and corvids, which might prey upon sage grouse. Even if wind turbines are designed in such a way as to limit the ability of raptors and corvids to perch on them, sage grouse may still perceive them as a threat to their security and will avoid these areas.

Many project proposals on BLM and Forest Service land downplay the micro-level impact of the projects on sage grouse, claiming that with respect to the larger population of sage grouse across the landscape, an individual project will result in very minor impacts to sage grouse. For example, the Cotterel DEIS states that even if all 6 known leks were abandoned on Cotterel Ridge, the loss would represent only 0.008% of the leks statewide¹⁹. However, when the cumulative impacts from a variety of projects on sage grouse are considered across their historical range, each individual project contributes to the overall decline of sage grouse. The summation of these impacts has translated into the observed decline in the population of this species across its historical range.

Sage grouse have been declining for several reasons, including alterations in fire regimes, excessive livestock grazing, proliferation of non-native plant species, conversion of

¹⁶ DEIS, p. 3-47.

¹⁷ Welch, B.L. 2005. Big sagebrush: A sea fragmented into lakes, ponds, and puddles. Gen. Tech Rep. RMRS-GTR-144. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.

¹⁸ DEIS, p. 4-35.

¹⁹ DEIS, p. 4-71.

RESPONSES

K. The allocation of the Compensatory Mitigation Fund will be determined by the Technical Steering Committee with final decisions on the use of these funds made by the BLM Burley Field Office Manager.

L. As stated above, the cumulative impacts analysis in the Draft EIS has been revised in the Final EIS. A discussion of the other wind power projects (existing and proposed) within the Snake River Plain and other projects (past, current, and future) and their potential effect on sage-grouse has been prepared. Section 4.16, Cumulative Effects (Pages 4-70 through 4-72) of the draft EIS Draft EIS discloses that construction of the proposed project in conjunction with other potential projects and ongoing impacts would result in an additive decline, although small, of sage-grouse across southern Idaho.

COMMENTS

Letter #51 (continued)

sagebrush habitat to seeded pastures or other agricultural uses, roads, habitat fragmentation, and degradation of existing habitat²⁰.

When viewed at the project area scale, the effects on sage grouse appear more concerning. There are an estimated 20 sage grouse leks in the project area and its vicinity²¹. If the 6 leks on Cottler Mountain were vacated, this would translate into greater than 20% of the leks in the project area and the vicinity of Cottler being abandoned.

In light of the trade-offs associated with supporting an alternative source of energy such as the Cottler project, we appreciate that compensatory funds will be available for off-site mitigation. In fact, we believe that there are some potential off-site mitigation options that may contribute to a net benefit for sage grouse across their historical range in Southeastern Idaho as well as other wildlife and fish species.

Scale of mitigation

Given the potential impacts on migrating birds and mammals that utilize this area, the FEIS should direct the operator to develop a long-term mitigation plan that addresses the large-scale disturbance across the total project area (approximately 18 square miles) instead of attempting to mitigate solely for the 365 acres of ground-disturbance. For example, a hydroelectric project has impacts not only at the dam site but also for species migrating up and down the river through the turbines. Requiring the operator to mitigate only for the footprint of this particular project is akin to asking a dam operator to mitigate for the fish in the volume of water displaced by the concrete of a dam. While birds and bats are not confined to a particular area as fish are in water, there are distinct migratory corridors and channels that these species use. The mitigation effort should acknowledge that species will be affected by habitat fragmentation on the ground and turbine impacts in the air and should provide for alternate safe corridors for passage. Our offsite mitigation proposal is, in essence, the creation of a "fish ladder" for these species.

Sagebrush-Steppe Habitat Corridors

The Cottler Mountains represent an ecologically significant biological corridor between the Raft River and Jim Sage Mountains in the south and the Minidoka National Wildlife Refuge and Craters of the Moon National Monument in the north. We are concerned that the project will significantly reduce the effectiveness of this corridor. Off-site mitigation measures should focus on reestablishing this connectivity in adjacent areas where opportunities exist.

Agricultural development and activities along the Snake River have bisected the connection of sagebrush steppe habitat in the Raft River Valley, Rockland Valley and Arbon Valley from that on the Eastern Snake River Plain. Furthermore, existing sagebrush steppe habitat has been severely fragmented into remote "islands."

²⁰ Crawford et al. 2004. Ecology and management of sage grouse and sage-grouse habitat. *Journal of Range Management*. 57: 2-19.

²¹ DEIS, p. 4-71.

RESPONSES

M. As stated above, use of these funds would be allocated as recommended by the technical steering committee with final decisions on the use of these funds to be made by the BLM Burley Field Office Manager.

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RESPONSES

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The compensatory funds that would be available through the implementation of the project could be used to fund the restoration efforts in the Raft River Valley, Rockland Valley, Arbon Valley, Black Pine Mountains, Sublett Mountains and adjacent areas north to the Snake River. Public and state land already exist as strategic "stepping stones" for wildlife that can be bridged by conservation efforts on private lands, as described below. Conservation efforts should focus on emphasizing wildlife use for these public lands and utilizing conservation easements or other tools on private lands to recreate habitat corridors and restore sage-grouse habitat.

Private land options

Because there are procedural and legal limitations on the use of voluntary applicant funds for off-site mitigation on public lands, we believe that in many cases it may be most productive to use mitigation funds for conservation measures on private land. For example, there may be significant opportunities to either purchase private lands within the vicinity of Cottarel to be placed in conservation easements or to enter into voluntary agreements with private landowners. These opportunities and mitigation suggestions are described in detail below.

M

Center Pivot Irrigation Projects

One potential mitigation idea involves retiring about 30 key central pivot irrigation projects (CPIPs) in the area from willing sellers. If these CPIPs were retired, there are several potential benefits. First, if the CPIPs were retired, restored to sagebrush steppe plant communities, and placed into conservation easements, habitat corridors for sage grouse between the Raft River Valley, Rockland Valley, Arbon Valley, and the Eastern Snake River Plain could be reestablished. Second, restoring sage grouse habitat would also provide habitat for other sagebrush obligates²². Third, retiring these CPIPs could help solve some of the water allocation and legal issues along the Snake River that include water for trout farms, minimum flows for resident fish in the Snake River, and flushing flows for salmon.

Purchase and Retirement of Grazing Allotments

Excessive domestic livestock grazing on public lands has been detrimental to both the health of sagebrush steppe habitat and water quality. Once the quality of the sagebrush steppe has been degraded significantly, natural rehabilitation can be difficult due to the natural aridity of sagebrush steppe. The potential exists to identify key habitat and lek locations for both sage grouse and other sagebrush obligates on BLM land in the vicinity of Cottarel. These sites could be preserved by retiring grazing allotments from willing permittees through compensation. Retiring grazing allotments on public lands where most of the remaining sage-grouse habitat is located would be an important piece in mitigating the larger sage-grouse decline and replacing the Cottarel Mountain corridor.

N

N. Retiring grazing allotments even from willing permittees would require a separate NEPA analysis. Therefore, the retiring of grazing allotments as a form of mitigation tied to the proposed project and is deemed outside the scope of this EIS.

O. Again, as stated above, use of these funds would be allocated as recommended by the Technical Steering Committee with final decisions on the use of these funds to be made by the BLM Burley Field Office Manager. The exact make up of the members serving on the Technical Steering Committee has not yet been finalized but could potentially include non-profit and conservation groups.

²² Crawford et al. 2004, Ecology and management of sage-grouse and sage-grouse habitat. *Journal of Range Management*. 57: 2-19.

COMMENTS

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Partners in mitigation efforts

The development of this offsite mitigation program will require detailed input from interested private property owners, Windland, state and federal agencies, as well as non-profit organizations such as the Nature Conservancy, other land trusts, and conservation groups. Although the complete restoration of this corridor may be beyond the scope of this project, the compensatory funds from this project will provide important seed money to start this initiative and build the necessary partnerships and momentum. We believe that this broad-scale approach will not only address the local impacts of this project, but also help solve several pressing regional and state issues involving water allocation in the mid-Snake. This offsite program could also serve as a ready-made solution for mitigating future wind farms in southern Idaho whether located on federal, state, or private land. In this manner, we can develop much-needed alternative energy supplies, preserve our wildlife heritage, and solve one of our region's most pressing water resource issues.

COMMENTS

RESPONSES

Letter #52

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Harry Morache
Boise
Carl Nellis
Jerome
Randy Smith
Twin Falls

The mission of the Idaho Wildlife Federation is to promote the conservation and protection of our natural resources, wildlife, and wildlife habitat for current and future generations.



September 16, 2005

Scott Barker, Project Manager
Cottarel Wind Power Project DEIS
United States Department of the Interior
Bureau of Land Management, Burley Field Office
15 East, 200 South
Burley, Idaho 83318

Subject: Idaho Wildlife Federation Comments on the Draft Environmental Impact Statement for the Proposed Cottarel Wind Power Project and Draft Resource Management Plan Amendment (DEIS).

Dear Mr. Barker:

The following comments submitted by the Idaho Wildlife Federation, are to be considered in writing the Final EIS for the Cottarel Wind Power Project (Project) and as a matter of the Administrative Record when publishing the Record of Decision for the subject project. Our organization is working with the understanding that by submitting these substantive comments during the DEIS stage that it will ensure our standing when the Bureau of Land Management (BLM) responds to them in the Final EIS.

General Comments and Observations

As an organization concerned about maintaining the quality of environment and the habitats of native wildlife and plant species both nationally and more specifically in Idaho, we concur with statements made in the DEIS that "there are no similar operating wind projects located on the common landforms, in Idaho, or within specific habitats of sagebrush and mountain mahogany which exist on Cottarel Mountain" (4.14 DEIS). Further, and as a consequence, "there is no specific case history available to use in predicting the impacts of the proposed Project on wildlife." (ibid, DEIS). "Thus, this impact analysis relies on the experience and data from other western wind plants and in some cases, Midwestern plants." (4.14 DEIS).

COMMENTS

Letter #52 (continued)

In a word, the impact analysis in the DEIS is an extrapolation from other sites that do not have the unique habitat features, iconic species that represent the shrub-steppe landscape of the southern Idaho Snake River plain. This presents some unique opportunities for on-site and off-site mitigation as a result of implementing the Project to private landowners, State and Federal agencies and to the principal proponent, Windland, Inc.

Our organization is not opposed to wind energy projects, and in fact generally encourages them to be built as an alternative to the national dependency on petrochemical energy sources such as fuel oil, diesel, and coal. We support utilizing many of the alternate energy source options that capitalize on wind power, solar voltaic products, and hybrid battery technology, mobile and stationary fuel cells. As to the Project proposed for the ridge line along the Cottrell Mountains, we find that we can only support the Project after BLM and the proponent consider and incorporate many if not all of the following mitigation features, adaptive management and effectiveness monitoring tools into the Final EIS.

The applicant, Windland, Inc. in partnership with ShellWind Energy, Inc. a subsidiary of the Royal Dutch/Shell Group, submitted a right-of-way application to the BLM, Twin Falls District, Burley Field Office, requesting to build a 190-240 megawatt (MW), wind-powered electrical generation facility on the ridge line of Cottrell Mountain, located about 15 miles southeast of Burley, Idaho and situated between the towns of Albion and Malia in Cassia County, Idaho. To accommodate this proposal, the BLM must amend the Cassia Resource Management Plan (RMP). A draft environmental impact statement was prepared in accordance with the National Environmental Policy Act, 1969 (NEPA) with the intent to provide the public and agency decision makers with a complete and objective evaluation of impacts resulting from the proposed action. Based on the analysis of the proposed action, the BLM has informed the public that the agency's preferred alternative "at this time" is Alternative C (DEIS ES-6). In order for the RMP to be modified to accommodate the proposal, a final EIS and Record of Decision will need to be made and published in the Federal Register.

The following specific comments address the Preferred Alternative, Alternative C as described by BLM in the DEIS (DEIS ES-6-8), with some comparison to Alternative B (DEIS ES-6) which is based on the description provided to BLM by Windland, Inc. and its president Roald Doskeland. Mr. Doskeland, Governor Dirk Kempthorne, and key members of the Chamber of Commerce of Minidoka and Cassia Counties have committed to make this proposal a reality within the next year. In statements made in a July, 2002, news release by Windland, Inc., Mr. Doskeland states that "we are excited to be bringing forward Idaho's first commercial wind project." Governor Dirk Kempthorne followed in the same news release that "Wind generated electricity such as the 200MW project, Boise based Windland, Inc. has proposed in Cassia County, will provide an opportunity for economic development while offering a reliable and cost-effective addition to our States generation portfolio." Mr. Carl Hansen, President of the Chamber of Commerce on Minidoka and Cassia Counties stated, "the Cottrell Mountain wind farm is consistent with the Chamber's plans for the area. It allows us to diversify from our agricultural base and capitalize on what in our area has economic value in the global market." The news release goes on to conclude, "tapping wind resources also reduces United States reliance on imported fossil fuels, and commercial wind farms such as the one Windland plans, brings new employment opportunities to rural portions of the state" Windland, Inc. www.windland.com July 18, 2002.

Specific Comments

The mitigation, adaptive management and funding for post-project monitoring as described in the DEIS is inadequate for a frontier energy project of this size in Idaho. Under Appendix F in the DEIS, Windland, Inc. president submitted a letter (as a Cooperative Agreement) to Wendy Reynolds, Field

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RESPONSES

A. Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures recommended by IWF fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in IWF comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year for the life of the project to fund off-site mitigation, monitoring, or studies. These funds would be allocated as recommended by the technical steering committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager.

B. Monitoring to determine changing environmental conditions as compared to baseline survey information is described in Section 2.5.4 of the Draft EIS (Page 2-33) and in Appendix D. A detailed on-site monitoring protocol will be developed and included as a section of the Project Plan of Development. Further, additional monitoring protocols will be developed by the technical steering committee that will be formed as described in Section 2.5.4 of the Draft EIS (Page 2-36).

COMMENTS

Letter #52 (continued)

Office Manager, BLM in which Windland, Inc. will provide \$150k / year. While this is a letter of intent, it does not state for how many years Windland, Inc. will make contributions. We assume it will be for five years based on statements made elsewhere in the DEIS (Appendix D DEIS).

The formula for this contribution was derived from annual gross revenues which is "approximately one-half of one percent of the gross revenues received from the Cottarel Mountain wind farm electricity sales" or about \$150k for a 200MW project. First the DEIS does not describe how or where this \$150k will be spent or who will have primary oversight authority. We can only assume it will be BLM and/or the Idaho Department of Fish and Game. Second, if we assume the 1/2 percent figure is correct and 1 percent of gross revenues are \$300k then annual revenues would be about \$30m. On page 4-46 of the DEIS, it states that "expected the total annual operational costs will be \$4.5m." On page 4-43 of the DEIS, it states that "approximate construction costs under Alternative B or somewhat lesser amount under Alternative C would \$200m. With the ROW permit being issues for 30 years, the total revenue from the project during this time period is about \$900m. The proponent will have the project costs paid for in about eight years. Certainly, there is room for additional voluntary contributions from Windland, Inc. based on the BLM Instructional Memorandum No. 2005-069

(Appendix E DEIS) and the 1.8 cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5). Under Appendix D, Best Management Practices (BMP) Specific to Wildlife, the list of recommended strategies to reduce or avoid displacement and mortality of wildlife is comprehensive. Some careful thought went into developing these strategies. For an example, an important step in this direction is determining the interaction and relationships between the sage grouse populations at the Cottarel Project with those in the Raft River Valley, Albion Mountains and Jim Sage Mountains.

We also support the Effectiveness Monitoring (EM) aspects but have reservations about who will be conducting the specific tasks. Will this be done by a contractor or an agency? We feel it should be either the Idaho Department of Fish and Game or an independent contractor. Additionally, we believe there is a need for a doctoral study of the Project's impact on the wildlife resources, especially sage grouse and raptors. This should be specified somewhere in text of the DEIS. We would add that monitoring of behavioral changes and mortality of big game, greater sage-grouse and spring and fall migration of raptors and passerines should be a major focus under this section. The Habitat Loss/Degradation strategies listed in Appendix D seem adequate when linked with the actual footprint impacts that are associated with the Project. Again, the DEIS should identify who will be doing native plant restoration work, inspecting and monitoring on site soil storage areas, and collecting and storing native seed for site rehabilitation? Will there be adequate funding committed to all of the above efforts? We would support something between a 1 to 2 percent figure of the gross revenues to conduct adequate on-site monitoring, effectiveness monitoring, adaptive management and compensatory (off-site) mitigation. Because of the magnitude of the project, it must contain a carryover provision for the off-site mitigation to be acceptable.

Macro-mitigation proposal

While the above comments have focused on improving the funding to support a more detailed evaluation of the environmental effects resulting from the proposed Project, the following is a discussion of the offsite (compensatory) macro-mitigation needed to address both the immediate and cumulative affects of this project in south-central Idaho. This macro-mitigation proposal goes outside the box and uses the Windland, Inc. Cottarel Wind Power Project as a catalyst to integrate and resolve other major pending resource issues that are shared by several State agencies including the Idaho Department of Water Resources, Idaho Department Lands and the Idaho Department of Fish and Game. Federal

RESPONSES

Monitoring to determine the efficacy of any off-site mitigation will be developed and implemented by the technical Steering Committee.

Restoration of on-site areas of temporary disturbance will be completed by the Applicant as part of the construction of the overall project. On-site fatality monitoring will be conducted by an independent contractor hired by the Applicant.

A

B

COMMENTS

Letter #52 (continued)

agencies that need to be engaged as part of the solution include BLM, Bureau of Reclamation, Natural Resource Conservation Service, Bonneville Power Administration and U.S. Fish and Wildlife Service.

In an April, 2005 conference sponsored by the Idaho Department of Water Resources titled the "Troubled Waters Conference," water issues across southern Idaho were highlighted, particularly the Snake River Plain water crisis and the over allocation of water shares and aquifer drilling permits. The following proposal when fully implemented can serve to satisfy a moderate portion of the mid-Snake water crisis, restore obligated flows for fish while providing critical wildlife mitigation as a result of building and operating the Cottarel Wind Power Project.

Presently, various State and Federal agencies are struggling to determine mitigation values that will be lost for greater sage-grouse and many other species that reside along the Cottarel Mountain ridgeline. This offsite macro-mitigation proposal can provide integrated management solutions in three areas of concern: 1) substantive habitat mitigation as a result of implementing the proposed Project; 2) moderate restoration flows to the mid-Snake River and its aquifer for the Hagerman trout farming industry, resident fish and Snake River salmon; 3) reduced litigation potential; 4) leadership provisions for future wind power projects that may be built in southern Idaho without intense State and Federal regulatory and public scrutiny.

Within the DEIS, impacts to wildlife and their habitat are considered based on the spatial and temporal impacts within the immediate area of the project.

"Primary effects would occur in direct proportion to the amount of potential habitat removed by the construction of the Proposed Project" (DEIS 4-17). "Alternative B would permanently eliminate about 200 acres, or about two percent of the 11,500 acre Proposed Project area and temporarily alter an additional 164 acres" "Alternative C would be similar to, but slightly less than those of Alternative B in terms of the permanent and temporary disturbance footprints" (DEIS 4-18). The point for developing this frame of reference is to conclude that offsite mitigation is currently minimal. The off-site mitigation should be expanded and linked to cumulative impacts of building and permitting the Project for 30 years (FR/Vol. 67, No. 244 p. 77802). Regulations for implementing the National Environmental Policy Act (NEPA) require an assessment of cumulative effects in the decision-making process for federally permitted projects (DEIS 4-2). Cumulative effects are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 Code of Federal Regulations (CFR) 1508.7). The discussion in the DEIS does describe but does not provide an assessment of cumulative effects. The description is worth noting since according to the DEIS "cumulative impacts include three other wind energy rights-of way (ROW) applications on BLM lands in Idaho, five 200 MW wind power projects and four 10 MW plants on private lands. Over 30 wind-monitoring towers are collecting data for possible site locations of additional wind power projects across southern Idaho" (DEIS 4-3), some of these projects, its safe to assume, will be developed by Windland, Inc.

The BLM and various other Federal and State agencies should consider an integrated mitigation plan that is commensurate with the entire Cottarel Project area of 11,500 acres (DEIS 4-17) or about 17.9 square miles of Federal, State and private lands and not just the footprint area for all project features of 365 acres (DEIS ES-6).

Consider this, there are only islands of native shrub steppe habitat extending east and north of the proposed Project to and across the Snake River and within the Raft River Valley. BLM has created extensive crested wheatgrass pastures during the past 30 years within the Raft River Valley and the State

RESPONSES

C. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS.

D. The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area may be further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Additional guidance is provided by Instruction Memorandum 2003-020 which states that "The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of

COMMENTS

RESPONSES

Letter #52 (continued)

has permitted numerous center pivot irrigation projects (CPIP) both of which contribute to the fragmented landscape and make it unsuitable for greater sage-grouse and numerous other native species. The first step of the offsite mitigation solution is the restoration of the shrub/forb/grass components in the crested wheatgrass fields. Acreage for this step approximates 4,800 acres.

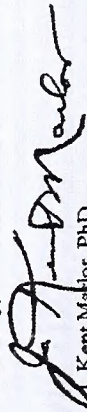
The second component of this macro-mitigation plan is to retire about 15 key CPIPs (approximately 7,000 acres) in the eastern and northern area of Raft River Valley and restore this acreage to shrub steppe through interagency cooperation. The combination of the first step and the second will serve to provide habitat continuity, population and genetic exchange both north and south across the Snake River for greater sage-grouse, deer, antelope and many other avian, reptile, amphibian and mammalian species. The affects of this habitat restoration reach into Utah and Nevada and north across the Snake River to the Craters of the Moon National Monument and numerous valleys of the Snake River Plain. Consider that this is the only possible native habitat corridor left in the entire mid Snake River Plain for about 130 miles to the east and 140 miles to the west of Raft River Valley. The 270 miles east and west of this corridor has sustained major changes during the past 100 years, mostly through habitat modifications for livestock grazing, the agriculture farm and dairy industry, hydropower projects, and build-out of urban and city centers.

The incentives for re-establishing habitat continuity are high. First, this serves to satisfy mitigation issues for the Corttel Wind Power Project so that it can proceed forward in the environmental review and permitting process. Second, retirement of about 15 key CPIPs will solve a major issue faced by the Idaho Department of Water Resources; to find some if not most of the 133,000 acre feet of water needed for restoring the obligated flows of the Snake River and the mid-Snake aquifer. Water retired from the CPIPs will serve to contribute restoration of spring flows for the Hagerman Valley commercial trout production industry; contribute to the flushing flows needed for salmon; and help to meet minimum flows for resident fish of the mid-Snake River, particularly sturgeon. The understatement to implementing this offsite mitigation is the reduction of litigation potentials that both the State and some Federal agencies face without a satisfactory solution.

The compensatory mitigation solution proposed is only a framework and will require cooperation from a number of State and Federal agencies, dialogue and support from the State legislature and Congressional representatives. The decisions are hard ones. The window of opportunity is open for key agencies to initiate this integrated solution. General funding for planning and initial implementation is in place but will require administrative reallocation should the BLM and other participating agencies decide to follow this strategic and historic proposal.

This concludes our comments on the DEIS for the proposed Corttel Wind Power Project. We appreciate the opportunity to comment and look forward to further dialogue with BLM as the final EIS is formulated for the proposed Project.

Cordially,


J. Kent Madior, PhD
President

the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance." When this ROW guideline was applied to Windland's ROW application an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

E. The \$150,000 compensatory mitigation fund is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project. Any off site mitigation would be determined by the Technical Steering Committee and funded from the compensatory mitigation fund

COMMENTS

Letter #53



DIRK KEMPTHORNE
governor

Robert L. Meinen
director

Dean Sangrey Administrator
operational division

David Rick Administrator
management division

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September 19, 2005

BLM - ID
BURLY FIELD OFFICE
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2005 SEP 20 AM 9 37

Scott Barker, Project Manager
Burlay Field Office, BLM
15 East 200 South
Burlay, ID 83318

RE: Cottarel Wind Power Project DEIS

Dear Mr. Barker:

The Idaho Department of Parks and Recreation reviewed the Cottarel Wind Power Project Draft Environmental Impact Statement (DEIS). Windland Inc., along with Shell Wind Energy Inc. proposes to construct and operate a wind-powered electric generation facility on the ridge line of Cottarel Mountain.

Alternative C has been identified as the BLM's preferred alternative. This alternative would construct fewer, but larger wind turbines than Alternative B. Alternative D would construct even fewer turbines than Alternative C.

We concentrated our analysis on the impacts to recreation and visuals that this project will have. Recreation was not identified as a significant issue in the planning process, but was analyzed in the DEIS.

On Pages 4-53 through 4-54 the DEIS concludes that the project would not change the Recreational Opportunity Spectrum (ROS). The area is currently classified as semi-primitive motorized.

Any action alternative changes the ROS of the Cottarel Mountain from semi-primitive motorized to roaded natural or rural. Each ROS class (primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban) is described by a "typical" setting based on factors such as size, naturalness, and the presence or absence of motorized vehicles and other sights and sounds of humans.

The wind turbines affect the naturalness of the project area. Constructed roads are inconsistent with a semi-primitive motorized (SPM) ROS Designation. SPM areas are classified as areas that have no roads (jeep trails ok) and receive light to moderate motorized use.

The planning team should look closely at the Cassia Resource Management Plan (RMP) to see that the change in ROS class is not in violation with the plan. If the plan does have specific ROS standards, the plan should be amended so the project is in compliance with the ROS standards.

The DEIS states on Page 4-53 "Interpretive panels may be erected at the rest area along I-84 east of the Proposed Project area or at other locations along highways to inform drivers of the Proposed Project." The BLM, along with

RESPONSES

A. The Draft EIS has been modified in the Final EIS to disclose that construction of the proposed project would change the current Recreation Opportunity Spectrum Semi-primitive Motorized to Roaded Natural. It is true that many miles of improved roads would be necessary for construction and operation of the proposed project. However, Alternatives C and D include a plan to retain as much of the primitive public access aspect of the mountain as possible (see Figure 2.5-3). This was developed in response to the concern raised in this comment and during the public scoping process. Under this plan, traversing the ridge line from north to south would still require a 4x4 vehicle and a certain amount of off road driving skill. The south road which accesses the communication towers is not proposed for upgrading and an increase in use associated with this road is not anticipated.

B. The Cassia RMP has been examined and such a change to the ROS class would be in conformance with said RMP.

COMMENTS

RESPONSES

Letter #53 (continued)

Cotterel Wind Power Project DEIS
September 19, 2005
Page 2

C [the applicants should consider placing interpretative panels along the City of Rocks Scenic Byway between Albion and Pomerelle. The Scenic Byway is a better choice for interpretative panels than I-84 because more travelers would be interested in learning about the area along the Scenic Byway than I-84.]

In conclusion, this project affects both the recreation opportunities and visuals, no matter which action alternative is selected. The BLM has done a great job analyzing the visual impacts of the project. The FEIS needs to reexamine the impacts that this project would have to the ROS.

If you have any questions about these comments, please contact me at (208) 334-4180 ext. 230.

Sincerely,



Jeff Cook, Outdoor Recreation Analyst
Comprehensive Planning, Research, and Review

COMMENTS

Letter #54

Scott Barker, Project Manager
Cotterel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, Id. 83318

9-20-2005

You have my permission to make my comments public.

I am writing in opposition to the proposed Windfarm project on the Cotterel Mountain on the east edge of the Albion Valley by Windland/Shell Inc.

My husband George and I have owned property and lived in the Albion Valley over 30 years. George has family ties to this valley that go through 6 generations. We have been engaged in farming and ranching in the Albion Valley and raised our family here.

I stay active in the Cassia county community and give of my time. Some of the committees and boards I have been involved with include: Past Upper Snake River Advisory Council BLM, (Historical) 3 years, Sec/Treas. East Cassia Soil and Water Conservation District, 15 years, General Federation of Women's Club, 25 years. (Community Improvement). Albion Valley Planning Council. (Chairman Civic Organizations.) and most recently a member of the Committee Against Windmills in Albion.

The Albion Valley is a very small valley with great opportunity and many unique and historic qualities. One of the most dominant and important to its residents being the view shed. In the Albion valley no matter where you are you are surrounded by its majestic mountains. This valley has retained its pristine nature and continued to sustain healthy growth. The key to this success falls directly to the residents that live here and the leadership that is within the valley. The people here are forward thinking and progressive. We know what we value and are willing to, and have put down guidelines to direct this growth in a document known as ?Albion Valley Comprehensive Plan?. The leadership of Albion Valley worked hard to become part of the Cassia County Commissioners National City of Rocks Back Country Byway. The mayor and city council made the effort to get the Gem Community Status. An industrial Windfarm is in absolute conflict with each and every guideline and goal of these achievements!

The business district, civic organizations, and city officials have worked tirelessly to promote tourism and our unique western way of life. The view shed of our Mountain ridges and peaks are an integral part of this equation. The implementation of an industrial Windfarm on the ridge of the Cotterel is in complete conflict with the goals of these entities.

As Project Manager of this B.L.M. project and living locally you would have to be in complete denial if you are truly unaware of the direct negative impact the Windland/Shell Inc. windfarm project on the Cotterel Mountain ridge will have.

I have undertaken intensive study of the Presidents Clean Wind Energy Directive and understand the charge set forth to all agencies involved. Within this document there are also checks and balances, it is my hope, as it is over 80% of this valley's residents, that you and the other B.L.M.

RESPONSES

A. We understand and appreciate your concern about how the historic characteristics and values of the Albion Valley and Cotterel Mountain would be affected by the proposed wind energy project. We also take note of your concern over impacts to the Baekcountry Byway. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedent and can be appropriate.

In the event the right-of-way is approved the best technology available should be used. Within the EIS alternatives, a range of turbine size and number has been analyzed to allow for changes resulting from improvements in wind energy generating technologies. Proposals to change the project characteristics beyond those discussed within the EIS would require additional analysis.

COMMENTS

Letter #54 (continued)

decision makers will take our most sincere objections into serious consideration when you make the final decision and say no to this project.

We are entering a new age of ?clean green energy?, in Idaho. Neither Idaho or its? counties and cities have had adequate time to sets guides, regulations, or zoning ordnances for windfarms.

We are on the cutting edge and have a great opportunity once again to guide the implementation of this industry. I realize the county zoning would not necessarily affect the public land, however, in the past B.L.M. has made an effort to work with local officials and its citizenry.

As is stated it is currently envisioned that the programmatic EIS will pay special attention to wildlife and wildlife habitat, proximity to military activities, ?visual environment? and proximity to wilderness or other special management areas.

The B.L.M. Visual Resource Management Document has many statements and guides in it that absolutely reinforces the Albion Valley residents management guidelines for the valley. It is my hope the responsible parties will adhere to these documents and not amend these standards to accommodate the first windfarm project to Idaho and its? public land. (How can it be in any way feasible that a wind tower the height of a 40 story building with blinking lights multiplied by 120 or what ever the number ends up to be, not be a devastation to the Cotterel Mt. view shed not only in the day but just as remarkably at night?!!)

The B.L.M. is making a decision that will forever change this entire valley and cause devastating effects to the Cotterel Mountains? Natural resources, recreation, sage grouse and their habitat, raptors and bats, historical holdings, Indian artifacts, geothermal, critical springs, and view shed. What requirements will Windland/Shell adhere to for the next 30 years to address the explosion of noxious weeds that will occur?

The proposal of this industrial project on the Cotterel indeed has already had a very negative impact among the Albion Valley residents. There have been divisions in churches, loss of friendships, and several very serious divisions among some of the valley residents. What can Albion gain from the decision to place this industrial Windfarm here that can justify what we will lose? Absolutely nothing!!!

The B.L.M. has already stated they are looking at over 40,000 acres of public land for wind energy. Most if not all of those acres are not on the edge of a town or small community. Why do you want to start here? I understand the money that is involved and all that comes with that. The one party that this project is ?best? for is Windland/Shell because of the proximity of access and transmission lines. Windland/Shell have not painted a true picture of this project to the public from the very start. The photo they show of the mountain with the towers on it is an insult to our intelligence. How can you grant right of way to a company that changes the size and scope of their project every time the industry comes out with bigger and bigger turbines, not to mention that to date this company still has not been able to find a willing buyer for their product?? We are certainly not against wind energy but know that we can do a better job of implementing a wind farm project.

RESPONSES

B. The Visual Resource Contrast Rating Method is BLM's method for analyzing visual resource management issues. The Visual Resource Contrast Rating Method is subjective by design to incorporate the visual preferences of multiple individuals. It is not designed to define a specific level of impact but to determine potential change to key landscape features from a proposed action. Obviously, the change in the landscape resulting from the proposed project would be significant. How great the impact would be is dependant on the personal preferences and judgment of the viewer.

Tower lighting is required by State and Federal entities for the safety of aviators. Final design of tower lights is not yet complete but will include shielding to the degree possible to minimize light intrusion to non-aircraft borne viewers. Shielding technology is available and will be required in final design.

Although FLPMA does require that the public lands be managed in a manner that protects the quality of scenic values it also authorizes grant of rights-of-way for systems that generate, transmit, and distribute electric energy. Therefore BLM is required to consider application for such rights-of-way and complete appropriate NEPA analysis in doing so. Use of the Visual Resource Contrast Rating Method ensures compliance with FLPMA's visual resource management

COMMENTS

Letter #54 (continued)

The public and B.L.M. have worked together as partners for a very long time. We have entrusted you with the management of our lands. We must live with the consequences of those management practices, as will the generations to come. There are 250 other citizens of this valley, (a major majority) that have signed a petition to support the fact that we are asking you to please consider our concerns, and objection to the implementation of this windfarm.

The placement of this windfarm is in direct conflict with every land use plan in Cassia County and one would wonder how the B.L.M. could justify it when you read on the B.L.M.s? web page regarding the Visual Resource Management Guide.

The Federal Land Policy and Management Act of 1976 (FLPMA) states, "Public lands will be managed in a manner which will protect the quality of the scenic (visual) values of these lands." The National Environmental Policy Act of 1969 (NEPA) requires that measures be taken to "assure for all Americans? aesthetically pleasing surroundings?"

We understand the need for alternative fuels and support wind energy, but the Cotterel Mt. is just not the place to put it. As is stated by B.L.M. with the potential of 40,000 acres for wind energy projects there certainly is a better place to implement an industrial Windfarm in Idaho.

As managers of our Public Lands, the B.L.M. has an obligation to seriously consider the desires of the citizenry that will be directly impacted by your decision. Remember, over 80% of the Albion Valley residents signed a petition to object to the implementation of this project.

Your decision, once made will change forever an entire Mountain Ridge and every thing sustained within its massiveness. There will be no going back with a Mountain as fragile and unique as the Cotterel Mountain. If Windland/Shell Inc. is turned down they will simply go to the next destination place and install their project and it will be just another business day and the end result will still be about the money.

As Albion Valley residents and having lived under the shadows of the Cotterel Mountain for over 30 years we understand the true consequence of your decision and trust you will make the correct one and turn down this right-of-way application by Windland/Shell, Inc.

George and Gwen Montgomery
937 S. 900 E.
Albion, Idaho 83311
208-673-6644

RESPONSES


requirements. As discussed in the EIS Cotterel Mountain has been designated as visual resource management (VRM) class IV, which allows for significant changes in the landscape, which affect the viewshed.

C. We are aware that a petition opposing the proposed project was signed by a number of local citizens. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on vote.

COMMENTS

Letter #55

RESPONSES

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be submitted to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p>2005 SEP 20 AM 9 35 RECEIVED</p>
<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarewind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	
<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Please Print Name <u>TOM GEARY</u> Street Address <u>964 S. 950 E</u> City <u>ALBION</u> State <u>IDAHO</u> Zip <u>83311</u> E-mail (optional) _____</p>	
<p>Comments: <i>This wind project is a great idea, and needs to be developed. The need for additional energy in this country is going to be in great demand, as our country grows in population and more industry. The cost of this energy source is a good price, for, as other fuel cost continues to rise. Very little electric power is produced in this area, we need to encourage local production.</i></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>	


Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COTTEREL WIND POWER PROJECT

COMMENTS

RESPONSES

Letter #55 (continued)

 <p>Twin Falls District Burley Field Office</p> <p style="text-align: center;">COTTEREL WIND POWER PROJECT</p>	<p>Comments Continued:</p> <p>Name <u>TOM GARY</u></p> <p>Wind Turbine look intriguing, interesting, progressive but being a renewable energy source, creating a valuable and needed commodity. If wind turbine would attract visitors to our area and business for motels and restaurants. This project would bring employment to the community during the construction phase, and permit employment for maintenance and operation. It would bring a substantial amount of money to our schools and taxes to the county. We need this wind project in our area.</p> <p>Sincerely Tom Gary</p>
--	--

COMMENTS

Letter #56



STATE OF IDAHO
DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL INDUSTRIES

September 19, 2006

Scott Barker
Project Manager
Bureau of Land Management
15 East 200 South
Burley, ID 83318

DIRK KEMPTHORNE
Governor
PATRICK A. TAKASUGI
Director
2270 Old Penitentiary Rd.
P.O. Box 7249
Boise, Idaho 83707
(208) 332-8540

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Dear Mr. Barker:

Thank you for this opportunity to provide you comments from the Idaho State Department of Agriculture (ISDA) on the Draft Environmental Impact Statement for the Proposed Cotterel Wind Power Project (DEIS). One of the primary goals of ISDA's Rangeland Management Program is to provide support and expertise to livestock producers, and state and federal land management agencies on issues relating to rangelands in Idaho. Livestock grazing, biological resources, recreation, and fire are some of the many important issues facing today's rangelands. Our comments focus on these issues in the context of how they are addressed in the DEIS.

Livestock Grazing

ISDA believes that there is a lack of clarity and depth in the DEIS regarding the impacts Alternatives B, C, and D will have on current livestock grazing use in the project area.

First, the DEIS is inconsistent in stating how many acres available to livestock and wildlife forage will be lost both temporarily and permanently during implementation and operation of the project. Page 2-57 states that there will be a temporary loss of rangeland vegetation of up to 165, 147, and 112 acres for Alternatives B, C, and D, respectively. However, under the Proposed Action and Alternatives description on pages 2-27, 2-32, and 2-40, the DEIS states that the impact area for all project features would be about 365, 352, and 282 acres for each alternative. Further discrepancies are made on pages 4-55 and 4-56 where acreage numbers again differ from what is previously stated. Please clarify exactly how many acres of rangeland vegetation will be temporarily and permanently lost.

Second, the DEIS states on page 5-54, "Primary impacts to livestock grazing are based on how the Proposed Project could affect forage availability for livestock grazing, grazing management, and Animal Unit Months (AUMs)." Though the DEIS does address forage availability, the analysis inadequately deals with the issue of grazing management and AUMs. For example, will grazing management need to be changed during the construction phase of the project because of added vehicular traffic? Will livestock permittees have limited access to the project area during any phase of the project? There is no mention in the document of how grazing management "could" be impacted.

If the BLM foresees any adjustment to the number of AUMs permitted on the allotment, the DEIS needs to acknowledge that. Likewise if the BLM foresees no change in AUMs, the DEIS should disclose as much. This BLM must "make a good faith effort to explain the effects that are not known but are reasonably foreseeable." (CEQ's 40 Most Asked Questions)

Third, there are cumulative impacts to livestock grazing that the DEIS fails to recognize in Section 4.16.8. The section does recognize the potential for increased livestock concentration, rangeland deterioration (i.e. spread of noxious weeds), and altered fire regimes due to project implementation and operation, however it does not acknowledge the monetary cost of these impacts on livestock permittees and their operations. If great enough, impacts such as these may force permittees to find alternative sources of forage or decrease their herd sizes. Even the increase in recreational use of the area noted in the DEIS (Section 4.11) will incur greater costs to livestock permittees created from

RESPONSES

- A. The amount of rangeland vegetation that would be temporarily or permanently lost is addressed both in Chapter 2 and Chapter 4. When comparing the table in Chapter 2 with the narrative in Chapter 4, there is a need to clarify and reword both sections to represent those acreages in a clearer manner. These changes will be made in the Final EIS.
- B. The Applicant will be required to submit a detailed Plan of Development (POD), which will be prepared with the Record of Decision and made a part of the Right-of-Way Grant, if the proposal is approved. This plan will address the specific impacts to grazing management during the construction phase as well as other phases of the project such as the installation of cattleguards to replace gates.
- C. In Section 4.12.2 of the DEIS (p. 4-55), the analysis indicates no attendant loss of AUMs will be necessary in granting the right-of-way. "Based on the amount and distribution of area impacted by Alternative B, impacts to grazing operations would not be appreciable during construction and throughout the period of operation of the Proposed Project."
- D. The BLM does not anticipate there will be monetary impacts to the permittees for the spread of noxious weeds, increased recreation and altered fire regimes. See C above.

COMMENTS

Letter #56 (continued)

user/livestock conflicts. ISDA recommends that these socioeconomic impacts be assessed in the Final EIS.

Biological Resources

Section 3.2 on page 3-13 states that inventories are needed to be completed prior to construction of the Proposed Project. The DEIS does not specify what inventories are still needed. Nor does it specify what changes to the project may be required as a result of these inventories. ISDA recommends that these inventories and their consequences be documented in the Final EIS.

ISDA would also like to address the following specific resource concerns under the Biological Resources section.

Vegetation/Noxious Weeds

As with the analysis of livestock grazing, there is a lack of detailed analysis of impacts on existing vegetation and noxious weeds in the DEIS.

First, the summary of indirect impacts on vegetation and noxious weeds in the project area on Table 2.8-3 and Section 4.6.1 are incomplete. Not only can noxious weeds adversely affect fire return intervals, but there will also be a loss of habitat and forage for livestock and wildlife associated with the spread of noxious weeds and other invasive species. Noxious weeds can also negatively impact watershed values, change soil characteristics, and increase soil erosion.

Second, there are also the economic impacts of noxious weeds, particularly on BLM, and state and county land management budgets that are unaccounted for in the DEIS. Federal, state, and county noxious weed programs are currently unable to monitor and treat noxious weeds at the level necessary to prevent further spread because of financial constraints. ISDA recommends that fiscal impacts of noxious weeds be included in the Final EIS.

Third, the BMPs in Appendix C, as presently written, lack specifics and direction for Windland to prepare a proper weed control plan. In BLM's response to ISDA's comments on the National Wind Energy EIS, BLM stated that the "scope and methods identified in [weed control] plans will be determined on a project-by-project basis in conjunction with input from other federal, state, and local agencies, and interested stakeholders". The Best Management Practices (BMPs) for noxious weed control in Appendix C mentions no such cooperation. ISDA also recommends that the following details be included in the FEIS, Resource Protection BMPs, in order to improve noxious weed control:

- Under item 3 of the Resource Protection BMPs in Appendix C, "The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way." Who will be responsible if "the holder" allows infestations to go beyond the right-of-way? ISDA recommends that "the holder" be held responsible for infestations that result from noxious weeds spreading from the project area.
- Under item 4 of the Resource Protection BMPs in Appendix C, the DEIS requires Windland, Inc. to "...locate an intermediate wash station midway through the project area to prevent lower allevation weed species from moving up the Cottarel ridge line. Windland should also be required to wash construction equipment to prevent noxious weeds from spreading outside the project area.
- Though Integrated Weed Management (IWM) is included under the BMPs on page 2-23, they are not a part of the BMPs in Appendix C. IWM is the use of all available and feasible weed control techniques in an organized, coordinated, and mutually supportive manner. IWM is also an integral part of Idaho's Strategic Plan for Managing Noxious Weeds. BLM should also require Windland, Inc. to incorporate IWM into their weed control plan under the BMPs in Appendix C.
- BLM should require Windland, Inc. to actively participate in the Raft River Cooperative Weed Management Area (CWMA). Windland's participation in the CWMA would

ISDA Comments on DEIS, Proposed Cottarel Wind Power Project, Page 2 of 4

RESPONSES

E. Biological inventories will be included in the Plan of Development that Windland will be required to submit. In the event, an inventory prior to construction identifies an issue such as a noxious weed problem, steps would be outlined to eradicate the noxious weed population in that area. The analysis in the DEIS does not include anticipated problems that have mechanisms in place through BMP to prevent those impacts from occurring.

The Applicant will be encouraged to participate in the Raft River Cooperative Weed Management Area and to communicate their actions to the appropriate individuals responsible for controlling noxious weeds.

F. If noxious weed outbreaks can be attributed to the project, the financial costs will be assessed to the Applicant. The BMP identify a wash station midway through the Proposed Project area. However, this does not state that will be the only wash station. A wash station closer to the highway and main access to the project may be added into the Applicant's POD.

G. The DEIS discloses the potential degradation of sage-grouse habitat. This impact will be mitigated through funds the proponent will provide. A Steering Committee will manage the funds and will decide how to mitigate habitat losses through measures such as the off-site purchase of intact habitat or other viable options. The options for telemetry studies will be guided by the steering committee that over-views the mitigation funds.

COMMENTS

Letter #56 (continued)

- F
- facilitate communication of information on noxious weeds and further aid in mitigating impacts of noxious weeds in the project area.
- Because of current budget constraints on government agencies, ISDA recommends Wildland be responsible for all costs incurred due to noxious weed management.

Sage Grouse

ISDA appreciates the BLM's recognition of the proposed action's potential negative impacts to sage grouse habitat and populations and is pleased to see a radio telemetry study initiated to study the Cotterel Mountain grouse population and that the study will "continue for several years." (page 3-49) This study will be vital to, one, studying the current unknown impacts wind farms have on sage grouse populations, and two, effectively implementing adaptive management. In order to properly determine any impacts of wind energy development will have on sage-grouse in the Cotterel project area, a baseline of population, habitat, and how the sage-grouse use that habitat must be established prior to project implementation, and must continue for 5-10 years following implementation. Because of budget constraints ISDA feels it is inappropriate for the state or federal management agencies to bear the expense of this research. Complete funding of the research should be paid by Windland.

G

The DEIS fails to recognize some important cumulative impacts that wind energy development could potentially have on livestock grazing on public lands as a result of sage grouse habitat degradation. Livestock management has already changed significantly on public lands and private lands because of the decline in sage grouse populations. Ranchers continue to alter and incur substantial costs in changing their operations in order to better preserve sage grouse populations and habitat. This has happened in spite of the lack of direct evidence that livestock have contributed to sage grouse population decline (Connolly et al. 2000).

Sage grouse need large tracts of contiguous, undisturbed areas of high-quality habitat during their four distinct seasonal periods. Wind turbine energy development, as acknowledged in the DEIS, could have a potential impact on sage grouse populations by fragmenting these large tracts of habitat through increased presence of invasive species, increased incidence of wildfire, and increased human activity. More research is needed to determine the impact wind energy development will have on sage-grouse (USFWS 2003). If sage-grouse habitat is altered by wind energy development, the trickle-down effect will require BLM permit holders to make even more concessions. The BLM must address these cumulative impacts in the Final EIS.

Recreation

The DEIS states, "The improved road system would likely result in an increased number of visitors to the area..." (page 4-53). Though the DEIS acknowledges that increased numbers will have an impact on some range resources, the list is not comprehensive. Aside from leading to "...occurrences of poaching and other disturbances to big game and other wildlife," increased vehicular use will lead to greater increased incidences of livestock harassment, vehicular collisions with livestock, gates being left open, and fences cut down. This will incur greater operation costs to the livestock permittees because of the need for more intense grazing management to mitigate these consequences.

H

Impacts will not be limited to livestock grazing. Increased vehicular traffic will increase collisions with wildlife (including sage-grouse), the potential for fire starts, and facilitate the spread of noxious weeds. These impacts need to be documented in the Final EIS.

The improved road system will also increase the incidence of trespass by public lands visitors traveling equestrian routes stemming from primary roads that eventually find their way to private lands in the valley. Many landowners, in the interest of protecting their private property, managing livestock, and protecting their rangelands, are not interested in large numbers of travelers exiting public lands through their property. The FEIS must analyze and disclose the potential impact of increased trespass onto private lands.

RESPONSES

H. The impacts identified such as increased vehicular traffic, collisions with wildlife and livestock, gates being left open, the spread of noxious weeds and the potential for fire starts are addressed in the BMP and will be further addressed in the POD. The issue of trespass on private land is a county law enforcement issue. Private landowners are able, under the law, to control and/or restrict access to their property.

I. After careful consideration of your comments, the statements used to describe the effect of grazing on fine fuels will be modified in the Finals EIS to be more specific to the Proposed Project area. The statement that grazing has increased the fine fuels will also be reviewed.

J. It is anticipated there will be more of a presence on the land with project implementation due to the Applicant's maintenance personnel. It is also possible, with gates being replaced by cattleguards, that the impacts to the permittees may be positive. Through the Plan of Development and BMP, the Applicant can outline the mechanisms to be implemented to prevent the impacts you suggest from happening. Rehabilitation of existing roads created through off road travel by the public is outside the scope of the EIS.

COMMENTS

Letter #56 (continued)

Fire

Under Section 3.11, the DEIS presents information that is misleading in regards to fire management and rangeland resources. The DEIS says, "...grazing...on public lands from the early 1900s to the present have caused fine fuels to accumulate to higher levels than would have been present with more frequent fires..." (page 3-97). First, research has clearly documented livestock grazing actually decreases natural accumulation of fine fuels. Additionally, the citation, Keely et al. 1999, is used out of context as the study deals with the California brushland fire regime. ISDA recommends the evaluation of natural fuel loadings be reevaluated to accurately represent historical influences on current conditions.

Conclusion

Because of the potential impacts the wind farm will have on sage grouse habitat, livestock grazing, and other rangeland resources, ISDA encourages adopting a revised Alternative D as the preferred alternative. ISDA feels this alternative does not go far enough to afford the protection needed to maintain the integrity of rangeland resources, especially in issues relating to sage grouse. ISDA recommends Alternative D be rewritten with the following changes:

First, Alternative D should guarantee that grazing AUM's would not be lost on the allotments affected by the project. If AUM's are lost and permitted use is decreased, then appropriate compensation would need to be given to permittees, either through monetary means, or by giving them an equitable forage source. Second, the sage grouse telemetry study must establish a baseline of information prior to implementation and then continue for longer than the 5 years proposed in the DEIS. Having the telemetry study continue for longer than 5 years will yield more reliable data on sage grouse movement and population trends in the area in relation to the project development. This, in turn, will lead to better adaptive management decisions. Finally, there needs to be better mitigation of recreational impacts to range resources, particularly illegal recreation activities that will increase with project implementation. Mitigation should include an increased law enforcement presence (this should include educating Windland employees on BLM land use regulations), increased signage, and rehabilitation of roads created illegally by OHV use.

Again, ISDA appreciates the opportunity to provide comments and suggestions to the DEIS, and we hope the BLM incorporates them into the Final EIS. If there are any questions, feel free to contact Kevin Wright at (208) 736-3073.

Sincerely,



Ken Crane
Range Program Manager
Division of Animal Industries
ISDA

Literature Cited

Connelly, J.W., et al., 2000, "Guidelines to Manage Sage Grouse Populations and Their Habitats," *Wildlife Society Bulletin* 28(4):967-985.

USFWS (U.S. Fish and Wildlife Service), 2003a, *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines*, U.S. Department of the Interior, Wind Turbine Siting Working Group, Washington, D.C. Available at <http://www.fws.gov/rpdncblawind.pdf>. Last accessed August 1, 2005.

ISDA Comments on DEIS, Proposed Cotterel Wind Power Project, Page 4 of 4

RESPONSES

Your suggestion to revise Alternative D and make it the preferred alternative will be considered in the preparation of the Final EIS.

COMMENTS

Letter #57

FROM : MARK GRIGG GRIGG BROTHERS PHONE NO. : 208 673 5312 Sep. 21 2005 07:56AM P1

Mr. Scott Barker, Project Manager
Cotterel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, Id 83318

These comments may be publicly reviewed

Dear Mr. Barker,

We live approximately 3 miles west of this proposed project. We are completely opposed to the Cotterel Mountain wind project and in favor of option 1, no project on BLM ground, for the following reasons.

- | | |
|---|--|
| A | • This project is too close to Albion Idaho and rural residents of the valley, or any town. |
| B | • The project belongs on private ground and it has been proven that these projects work virtually anywhere in Southern Idaho. |
| C | • The EIS has whitewashed the opposition of this project in the Albion Valley. There is approximately 80% public opposition by residents. |
| D | • There is no information what the effects of this project would be to the microclimate of the Albion Valley and areas east of the Valley. |
| E | • The proposed project is along a BLM designated scenic byway. |
| F | • The project will destroy a public resource, Cotterel Mountain and it can not be replaced. |
| G | • The project would turn the Albion Valley into an Industrial Park. |
| H | • Mitigation is unclear and should not be an option to Cotterel Mountain. |
| I | • We do not believe that the project will not adversely affect property values. There is really no data because no project, to my knowledge, has been as close to residential property as this project. Property value affects our lifestyle and retirement opportunities. |
| J | • The project sets precedence for the Albion Valley and expansion of this project or others would surely follow. |
| K | • The project will destroy Sage Grouse and birds of prey habitat. |
- The BLM or any government entity should not allow opportunities to compete with private enterprises, in other words private property owners.
- The proposed lighting of the towers is intrusive.
- There are many other alternatives for this project such as along highway 93 in Nevada where transmission lines do exist and towns do not, if the BLM is intent on sponsoring a similar project on BLM ground.
- There are many other reasons that have been stated by other opponents of this project and we agree with all of them. Please deny this project!!!!

Mark and Debora Grigg
P. O. Box 7
Albion, Idaho 83311

RESPONSES

- A. We understand and appreciate your concern about how the historic characteristics and values of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedent and can be appropriate.
- B. We are aware that a petition opposing the proposed project was signed by a number of local citizens. When we receive a copy of the petition we will review the basis of objection and assess whether or not changes to the EIS would be warranted. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on vote.

COMMENTS**Letter #57 (continued)****RESPONSES**

- C. There is currently no scientific information available in the literature, or associated with existing wind energy facilities, to suggest large wind driven turbines have an affect on microclimate conditions outside of the distance equal to between 8 and 9 turbine blade diameters (2600 to 2925 feet).
- D. The designation of Highway 77 as a Backcountry Byway will remain unchanged.
- E. Mitigation is built into each action alternative and is further described in appendices C & D. Some changes have been made to those descriptions to better address concerns expressed on adaptive management. Mitigation measures are a requirement to implement Alternatives B, C, & D and would be built into the Plan of Development of the selected alternative.
- F. Little information on the potential or actual impacts from wind power projects on property values is available. The ECONorthwest study is one of the few reports that provide any information on the subject. The Draft EIS Section 4.9.2 (Pages 4-48 and 4-49) discloses the known information on this subject, but it does not implicitly state that property values would not be affected by construction of the proposed project.

COMMENTS**Letter #57 (continued)****RESPONSES**

G. Expansion of this project or establishment of other similar ones would be subject to the same NEPA review process and plan amendment process required of this proposal. The intent of the possible plan amendment associated with this EIS is specific to this project only.

H A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use. These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8-mile radius

COMMENTS**Letter #57 (continued)****RESPONSES**

of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cotterel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for raptor mortality as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The specific protocol of the fatality monitoring plan will be described in detail in the proposed project Plan of Development.

- I. Project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA,

COMMENTS**Letter #57 (continued)****RESPONSES**


in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate. Projects such as this one that are granted ROW are required to pay fair market value rates which should allow private property owners with appropriate sites to compete fairly.

J. Tower lighting is required by State and Federal entities for the safety of aviators. Final design of tower lights is not yet complete but will include shielding to the degree possible to minimize light intrusion to non-aircraft borne viewers. Shielding technology is available and will be required in final design.

K. BLM is not a sponsor of the wind energy project but is responsible by law, regulation and policy for processing the ROW application. The proponent of any project chooses the area for which they make application. The scope of this analysis is limited to that area.

COMMENTS

Letter #58

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p><i>Rec'd in Burley BLM office 9-21-05</i></p>
<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p> <p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Please Print Name <u>Jeff Chatburn</u> Street Address <u>850 S 1275 E</u> State <u>Idaho</u> Zip <u>83311</u> City <u>Albion</u> E-mail (optional) _____</p> <p>Comments: <u>Our family has lived in the Albion Valley for 124 years (6 generations) have operated the Chatburn Ranch. We are also grazing permit holders on North Cotterel. While I don't prove it, I am certain that if the windmills are built the cattle will be removed. I say this for several reasons. 1) Not only during but after completion of the project traffic will be unreal (BLM x windfarm personnel sight-seeing) the turbines and roads are going to be placed where our cattle have historically gone for</u> Further comments may be written on back or on paper sheets attached to this page.</p>	

RESPONSES

A. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Number 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become used to the action and continue to use the sites.

The presence of maintenance and operations staff will minimize the occurrence of vandalism. Some vandalism could still occur but is recognized by the proponent as a cost of maintaining such facilities on public lands, not unlike all other ROW holders. Closing the mountain to grazing and other public uses is not entertained.

B. Growth in use of the public lands is expected in the coming years. Increased traffic resulting from such use will occur whether the ROW for the wind energy project is granted or not. Private land owners continue to have the right to control access through and to their property unless easements are in place to the contrary.

COMMENTS

Letter #58 (continued)

RESPONSES

COTTEREL WIND POWER PROJECT		Comments Continued:
		Name
A	Twin Falls District Burley Field Office	Jeff Chatburn
B		water and the best grass. I feel that because of the extra traffic the cattle will be forced back to areas with less forage and overgrazing will occur causing the cattle to be removed. (2) I feel that the amount of vandalism to the turbines is going to cause the entire mountain to be closed to the public.
C		If the project is approved and the mountain is not closed to the public the amount of added traffic coming off the mountain and onto adjoining farms and ranches will be unreal. we have enough to do without policy our property 24 hours a day. The impact of blasting on the springs has not been addressed to my satisfaction. Until we can be assured there will be no impact NOT ONE explosive should be set off. Blowing Natural spring water is a resource that can't be replaced.
D		Almost every resident of the Albion Valley signed a petition against the wind farm this fact wasn't in the EIS. Cotterel mountain isn't the only place where the wind blows in Idaho on BLM land, there are other options. We are hit by some sort of natural disaster almost every day WHY should we be forced to live with a man made one. The residents of the Albion Valley deserve to meet with the person or persons who will make the final decision. He or she needs to look at our valley, look at our faces, and hear our concerns and see that we are more than just numbers on a sheet of paper we are just Human.
E		
F		

C. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential impacts to springs. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, he concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affecting the lateral flow of ground water as it moves down gradient off the mountain crest. Thus, the overall mechanism of ground water flow would not be affected by blasting operations. However, a plan for monitoring spring flow during blasting is being developed and will be included in the proposed project Plan of Development.


D. We are aware that a petition opposing the proposed project was signed by a number of local citizens. We will review the basis of objection and assess whether or not changes to the EIS would be warranted. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on vote.

COMMENTS**Letter #58 (continued)****RESPONSES**

- E. Project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. The scope of this analysis is limited to that area.
- F. How should we address the desire to meet with the decision maker?

COMMENTS

Letter #59

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p><i>Rec'd in Burley BLM office 9-21-05</i></p>	<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cotterelwind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to Withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Please Print Name <u>Lynn Chetbourn</u> Street Address <u>860 S 12th E</u> City <u>Albion</u> State <u>Idaho</u> Zip <u>83211</u> E-mail (optional) _____</p>	<p>Comments: <u>My younger brothers and I are the sixth generation of Chetbourns to be born and raised on our ranch in Albion. Our family settled this pristine valley over a hundred years ago and continues to remain very active in the community. The Cottrell mountains border our ranch and we graze our cattle on the BLM ground where the windmill project has been proposed. Our cowboys as well as other pioneer families have sweat and tears deeply worked in this land. We are very proud of where we are and are obligated to keep the integrity of this valley. It is our right as residents of Albion to voice</u> Further comments may be written on back or on paper sheets attached to this page.</p>
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COTTEREL WIND POWER PROJECT

RESPONSES

- A. We understand and appreciate your concern about how the historic characteristics and values of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant.

COMMENTS

Letter #59 (continued)

COTTEREL WIND POWER PROJECT	
A	B
Twin Falls District	Burley Field Office
<p>Comments Continued:</p> <p>Name: Jamie Chestnut</p> <p>own opinions and concerns. It is also our right to have them be heard and taken into great consideration. We believe very strongly that the land leased out on grazing permits with no longer be available for that purpose and if it is, it is even less likely that the cattle will remain on the ridge with the turbines. In addition to this the Cotterel mtns are home to many types of wildlife and birds that are already beginning to die out. There is no doubt that the giant boulders in these towns will kill a very large number of birds and many off many animals. This has been proven and shown in other areas where wind turbines are present. Cottontail Cottontails This type of construction will also have a great destructive impact on our mountain. It is obvious there will be erosion, disruption of water flow, and destruction of wild habitat and plant life. This will continue with the presence of access roads, power lines, transmission, and the tower sites themselves. For better wind efficiency each tower requires trees to be cleared and vegetation to be kept down with herbicides further poisoning the soil and water. Another concern is the noise that will be produced. After blades cover 100 ft and chop through the air our town will be a loud noise machine. It is an aircraft passing overhead. The noise will greatly affect wildlife and cattle. Also if it will cause property values to decrease immensely. People move to the Cottonwood valley because of its quiet, positive, beautiful view. A wind farm would mar that just the opposite.</p> <p>As we move into the future, it is very evident that wind energy is going to be vigorously pursued in the west. As far as allowing it to happen allison residents are going to have to make it to look out for the best interest of the whole valley. Allowing us our home and making it so much to many people. We must preserve its beauty and legacy!</p>	

RESPONSES

B. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Numbers 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become use to the action and continue to use the sites.

C. Yes, alternatives B, C & D will destroy some sage-grouse and raptor habitat. Permanent loss of habitat is limited to that area within the project footprint of each alternative. A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use. These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively

COMMENTS**Letter #59 (continued)****RESPONSES**

to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8-mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cotterel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for raptor mortality as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The specific protocol of the fatality monitoring plan will be described in detail in the proposed project Plan of Development.

COMMENTS**Letter #59 (continued)****RESPONSES**

Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

D. Best Management Practices (BMP) as appropriate to road and site construction will be mandated to ensure control of wind and water erosion (Reference Appendix C). Such practices will provide for drainage of the area impacted by construction.


E. The tower base area will be cleared of vegetation 45 feet from the tower center during construction. After completion of construction that area will be converted to a cleared gravel base of 25-foot diameter with all other being reclaimed to native vegetation. No trees will be removed except for those present within proposed tower based sites and limiting initial construction. Use herbicides other than those necessary to control noxious weeds will not occur and did not require analysis.

COMMENTS**Letter #59 (continued)****RESPONSES**

F. Much of wind turbine noise is masked by the wind itself since turbines only operate when the wind is blowing. Noise from wind turbines has diminished as the technology of turbines has improved. Newer turbine blade design results in wind energy being converted into greater rotational torque with very little acoustic noise. The rotor blades make a slight swishing sound when rotating. Because of the technological advances and the distance of the blades from the ground (minimum 95 feet), even when standing immediately underneath a turbine, this noise is generally minimal. Vibration-reducing features are incorporated into the design of the turbines. On large modern wind turbines, the chassis frame of the nacelle is designed to ensure the frame would. Under most conditions, modern wind turbines are quiet.

COMMENTS

Letter #60

 <p>Twin Falls District Burley Field Office</p>	<p>Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT should be sent to:</p> <p>Scott Barker, Project Manager Cottarel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318</p> <p><i>Rec'd in Burley BLM office 9-21-05</i></p>	<p>Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottarewind@blm.gov</p> <p>Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.</p>	<p>I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Please Print Name <u>Tammy Chatburn</u> Street Address <u>1275 East 850 S.</u> City <u>Albion</u> State <u>ID.</u> Zip <u>83311</u> E-mail (optional) _____ Comments: <u>I am concerned because</u> <u>our income revolves around our</u> <u>cattle operation. The windmills have</u> <u>the ability to require the BLM to</u> <u>close your grazing permit or</u> <u>move the permit to another</u> <u>area. Due to fuel prices and</u> <u>time a move would not be</u> <u>in our best interest. I am</u> <u>also concerned about the destruction</u></p> <p>Further comments may be written on back or on paper sheets attached to this page.</p>
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RESPONSES

A. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Number 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become used to the action and continue to use the sites. Closing the mountain to grazing and other public uses because of the proposed project is not entertained. The presence of maintenance and operations staff would minimize the occurrence of vandalism. Some vandalism could still occur but is recognized by the proponent as a cost of maintaining such facilities on public lands, not unlike all other ROW holders.

B. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential blasting impacts to springs. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cottarel Mountains, he concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affecting the lateral flow of ground water as it moves down gradient off the mountain crest. Thus, the overall mechanism of ground

COMMENTS

RESPONSES

Letter #60 (continued)

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

B

C

D

E

Comments Continued:

Name

Tammy Chatburn

of Springs on Cottrel maintains as well as our own private property.

Vandalism to the windmills and our watering property is a real concern. Who is liable for policing this property?

I have concerns about the windmills extending down the mountain into our valley and out my back door. It has been practical in the past where there is a small windmill farm a larger farm continues to grow.

There are other areas where these windmills will not interfere w/ lives and our livelihood. Please reconsider the placement of this project.

COMMENTS**Letter #60 (continued)****RESPONSES**

application is therefore outside the scope of this EIS. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant.

COMMENTS

Letter #61

RESPONSES

A. Potential impacts to visual resources are disclosed in Section 4.13 (Pages 4-56 through 4-63) of the draft EIS. The Visual Resource Contrast Rating Method is BLM's method for analyzing visual resource management issues. The Visual Resource Contrast Rating Method is subjective by design to incorporate the visual preferences of multiple individuals. It is not designed to define a specific level of impact but to determine potential change to key landscape features from a proposed action. Obviously, the change in the landscape resulting from the proposed project would be significant. How great the impact would be is dependant on the personal preferences and judgment of the viewer. We are aware that a petition opposing the proposed project was signed by a number of local citizens. We will review the basis of objection and assess whether or not changes to the EIS would be warranted. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on vote.

COMMENTS

Letter #61 (continued)

September 8, 2005

Scott Barker, Project Manager
Cottrel Wind Power Project
Bureau of Land Management
Bureau Field Office
15 East 200 South
Burley, ID, 83318

I am writing in opposition to the proposed windmill project on Cottrel Mountain near Albion by Windland Corporation.

I was born in the Albion Valley nearly 88 years ago and have lived my entire life here. My wife Dena and I have raised a family in this valley and are part owners of ATC Communications, a small independent local exchange telephone company. This is a business that has been in my family and headquartered in the Albion Valley since 1929.

Our residence is located approximately 2 miles west of the proposed Windland project on Cottrel Mountain.

My opposition to this project is based on the following observations:

1. Aesthetic considerations have never been seriously considered by the BLM for the residents of the Albion Valley. In spite of the petitions opposing this project that were signed by over 80% of those of us who live here. If these towers are built, those of us who have chosen to live in this valley will be forced to look at them and listen to them every day for the rest of our lives. In addition, more towers will be built in the future until the entire west side of Cottrel Mountain will be covered with windmills. I am saddened to think that I may be forced to look out my window every day and look at over a 100 of these 450 foot tall monstrosities.
2. For large wind turbines connected to the grid, energy costs typically range between 4 and 8 cents per kWh compared to gas at 3 to 3.5 cents per kWh. For independent, stand-alone applications for smaller wind turbines, the energy costs range between 8 to 30 cents per kWh. The further development of wind energy as an economically feasible source of power will depend on continued support from state and federal incentive programs. We know that Windland and Shell are depending on these incentive programs (our tax dollars) to make this project feasible to build. They must also sell that wind energy at rates higher than we as consumers are now paying at the retail level. Therefore, that power must be shipped to places like California where wholesale rates are much higher. I think we can conclude that this power will never be used in the local area. If it becomes available to our local retail power suppliers, our electric rates will increase substantially.
3. Just because wind power doesn't pollute the air doesn't mean it has no environmental impact. Alameda County, Calif., placed a moratorium on new wind farms because turbines had killed hundreds of hawks, eagles and other birds of prey. The impact on wildlife on Cottrel Mountain could be substantial. Sage grouse populations may be reduced or eliminated. Deer, coyotes, raptors, and all other wildlife will surely see some impact of one kind or another. In a recent article in the Washington Post, a reporter observed that "Thousands of bats have died at a wind project on Backbone Mountain in Maryland and another nearby wind farm in Meyersdale, PA, as a result of wind turbine blades. These bat deaths, which have baffled researchers, pose a problem for this industry that sells itself as an environmentally friendly alternative to conventional power

RESPONSES

B. Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cottrel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for migratory bird, including raptor, mortality and as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The adaptive management section of Alternatives C and D (see Section 2.5.4) has been significantly revised to help address this problem. Although the potential for migratory bird impacts is not eliminated, BLM and its cooperating agencies have made significant progress with the right-of-way Applicants to incorporate adaptive management strategies that would help to reduce these impacts.

COMMENTS

Letter #61 (continued)

- B
- plants." Merlin Tuttle, president and founder of Bat Conservation International of Austin, TX stated: "Take the most conservative estimates of mortality and multiply them out by the number of turbines planned in this country and you get very large, probably very substantial kill rates. One year from now we could have a gigantic problem." To my knowledge, BLM has never considered the bat kill probability.
- C
4. On a windmill project near Tehachapi, California, the following observation was made by an observer outlining a self guided tour of this area. "Throughout the Tehachapi-Mojave area look for turbines without nose cones, turbines without nacelles (blown off and not replaced), oil leaking from blade-pitch seals, oil leaking from gearboxes, road cuts in steep terrain, erosion gullies, non-operating turbines, and "bone piles" of junk parts. One Zond bone pile of abandoned fiberglass blades is visible on the east side of Tehachapi-Willow Springs Rd. near Oak Creek Pass. (Kern County doesn't permit on-ground disposal of fiberglass.) While touring wind farm sites look for blowing trash and litter (plastic bags, soft-drink cups, bottles, electrical connectors, scrap bits of metal, and so on). These all reflect management's attention to maintenance and general housekeeping. Is this what we have to look forward to after a few years of operation by this company?
- D
5. I am not opposed to alternate energy sources of any kind. Wind power is an excellent source of energy and should be used to its fullest potential. I am opposed to the proposed location on Cotterel Mountain. Private land use is preferred for these projects, but if this one has to be located on public land, then there are thousands of acres of BLM land on the Mildoka desert that would work just fine. This alternate location would be far from residences and already has a number of electric transmission lines available for connection to the grid. Let Windland build this project away from residential homes and populated areas and not spoil a pristine mountain like Cotterel.
6. I will refuse to be a good neighbor to Windland. Their proposal has disregarded and ignored the concerns of the people who live in the Albion Valley. Their intention is to build this project, if approved by the BLM, regardless of our concerns. If this project is built, Cotterel Mountain will be lost to us forever. Roads will be closed and access denied. Additional windmills will be added in the future until the visual impact will be intolerable. The land on Cotterel Mountain belongs to all of us. It is public land and its use should be enjoyed by us all. Do the right thing and deny this project

Barla Redman
Barla Redman

ODeen K. and Darle Redman
1077 South Highway 77
Albion, Idaho 83311

Telephone 208 673-5353

RESPONSES

Alternatives B, C & D would destroy some sage-grouse. Permanent loss of habitat is limited to that area within the project footprint of each alternative. A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use. These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8 mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8 mile radius of proposed project facilities.

COMMENTS**Letter #61 (continued)****RESPONSES**

The proposed linear north – south project would occur in a narrow corridor along Cotterel Mountain occupying an area of approximately 200 acres. The majority of Cotterel Mountain would remain unaltered following project construction and during project operation. Nocturnal radar surveys conducted on Cotterel Mountain showed that over 95 percent of migrating birds and/or bats flew well above the maximum height of the proposed turbine blades. Therefore the proposed project would not interfere with the majority of night migrating birds and/or bats. The fall raptor migration survey conducted on Cotterel Mountain did not indicate a defined flight corridor along the main ridgeline of Cotterel Mountain. Flight paths were more concentrated along the lateral portions of the mountain. Although avian species utilize the area that would be occupied by the proposed project, it appears, based on the data collected, that the project would do little to block north-south avian migration.

It is likely that, as described in the analysis, wildlife, such as big game would habituate to the presence of the proposed project. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

COMMENTS**RESPONSES****Letter #61 (continued)**

C. Tours of modern scale wind farms in the west, including the Foote Creek project in Wyoming, which is predominantly on public land, have shown quite the opposite picture in terms of "housekeeping" and maintenance. They have been extremely clean and well maintained with particular attention to rehabilitation of disturbed areas not needed for operation and maintenance. In addition, if approved, the right-of-way grant would contain "Best Management Practices" (BMP) that would require the right-of-way holder to keep the facility well maintained and clean.

D. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's application is therefore outside the scope of this EIS. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant.

COMMENTS**Letter #62**
IDAHO FISH & GAME
 MAGIC VALLEY REGION

 319 South 417 East
 Jerome, ID 83338

 Scott Barker, Project Manager
 Bureau of Land Management
 15 East, 200 South
 Burley, ID 83318

September 22, 2005

 Dirk Kempthorne / Governor
 Steven M. Huffaker / Director

**Re: Draft Environmental Impact Statement and Draft Resource Management Plan
 Amendment for the Cottarel Wind Power Project**

Dear Scott:

Idaho Department of Fish and Game (IDFG), acting under supervision of the Idaho Fish and Game Commission, is charged with the statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103(a)). As such, we advocate fish and wildlife receive equal consideration with other resources in decisions affecting land and water management. Resident species of fish and wildlife are the property of all citizens within the state (Idaho Code 36-103(a)) and decisions affecting fish and wildlife therefore are the concern of all Idahoans.

Our review of the Cottarel Wind Power Project Draft Environmental Impact Statement (DEIS) was based on an understanding that this large wind energy project has been proposed primarily because the Cottarel Mountains apparently maintain some of the most consistent, high value wind resources in Idaho. We are also aware the proximity to transmission lines and the existing infrastructure act as catalysts to wind power development in the Cottarel Mountains.

We offer our comments and evaluation with the knowledge the Cottarel Wind Power Project offers an opportunity to diversify energy production. We are interested in implementing the project in a manner that effectively eliminates or reduces and mitigates any impacts the project might have on Idaho's wildlife resources and recreation, while helping diversify the nation's energy resources and Idaho's economy.

As explained in the DEIS, IDFG participated in the Idaho Wind Energy Technical Team (IWETT), chartered by the Bureau of Land Management (BLM) for the purpose of assessing and mitigating wildlife impacts that could result from implementation of the Cottarel Wind Power Project. Therefore, IDFG has extensive and explicit knowledge of the resources and the proposal, and is a long-term cooperator with BLM.

IWETT, consisting of BLM, U.S. Fish and Wildlife Service (USFWS), and IDFG staff, reached consensus that the Cottarel Wind Power project will have detrimental impacts to wildlife resources in the Cottarel, Albion, and Jim Sage Mountain areas. It was IWETT's determination that the project, if implemented as proposed in the DEIS, will have unavoidable and significant

Keeping Idaho's Wildlife Heritage

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RESPONSES

See comment summary on last page of letter.

A. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cottarel Mountain. Alternative sites were not identified in the application. Identifying potential wind energy development sites other than that identified in Windland's application was outside the scope of this EIS. The Purpose and Need Statement in the Notice of Intent was a brief summary of the more detailed description contained in the Draft EIS. The intent of the purpose and need statement in the NOI describing the Cottarel Mountains as "a site in Idaho" was not to suggest that BLM would be considering areas in Idaho other than those contained in Windland's application. The scope of the analysis was limited to alternatives within the application area only. The purpose of this analysis was to determine whether or not the proposed project or its action alternatives are an appropriate use of public lands on Cottarel Mountain.

B. The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as

COMMENTS

Letter #62 (continued)

impacts to wildlife, especially sage-grouse. These impacts will include permanent loss of sagebrush-steppe habitats from the project footprint, mortality of bird and bat species from turbine, tower, and blades strikes, temporary loss of habitat during construction, permanent fragmentation of existing habitats through road and power line construction, and potential avoidance of large areas of preferred habitats by sage-grouse and other species.

These issues were presented to BLM by IWETT and IDFG prior to the release of the DEIS. IWETT and IDFG also made specific recommendations and identified specific actions necessary to address and balance project impacts on wildlife resources and recreation. However, these recommendations and action items have not been included in the DEIS and we find it inadequate in its plan for avoiding, minimizing, and mitigating impacts to wildlife resources and recreation. To provide a final environmental impact statement (FEIS) that balances project impacts with sustaining wildlife resources and recreation, IDFG recommends the following deficiencies are addressed and recommendations are incorporated into the FEIS in their entirety.

Purpose and Need

According to the BLM Environmental Policy Handbook (H-1790-1, Chapter 5), when preparing an Environmental Impact Statement "BLM must define the purpose and need for the proposed action" and "public involvement and consultation/coordination with other government agencies are important" in accomplishing this task. The Handbook also states "the purpose of scoping, generally, is to focus the analysis on significant issues and reasonable alternatives in order to eliminate extraneous discussion and reduce the length of the EIS." We believe that development of the Purpose and Need statement for the proposed Cotterel Wind Power Project and the scoping portion of the EIS process have been flawed and created a "moving target" with respect to the EIS analysis process. This has hindered the ability of the public and other government agencies to participate in the EIS process and has greatly altered the range of alternatives needed for the analysis to comply with NEPA.

It appears the process has not complied with the BLM's own internal policy as presented in the H-1790-1 Handbook. On December 17, 2002 BLM issued a Scoping Notice for the proposed Cotterel Mountain Wind Project EIS and Cassia Resource Management Plan Amendment. Neither this newsletter nor the attached cover letter (addressed to IDFG's Magic Valley Regional Office) included a Purpose and Need Statement for the proposed project. However, the Notice of Intent (NOI) to prepare an Environmental Impact Statement/Land Use Plan Amendment released in the Federal Register on December 19, 2002 (Vol. 67, No. 244, pp. 77801 and pp. 77802) contains the following two-part Purpose and Need Statement: "The purpose and need for the proposed project are to (1) provide wind-generated electricity from a site in Idaho to meet existing and future demands for electricity; and (2) to develop energy generation facilities that are consistent with the President's National Energy Policy which encourages the development of renewable energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the nation's future." Neither the aforementioned newsletter nor the cover letter make any reference to the NOI (which was published only two days later) and, as mentioned earlier, neither of these documents (which presumably were also released to many members of the public and other government agencies) included the Purpose and Need Statement for the proposed project. Additional letters to the Magic Valley Regional Office dated December 20 and 23, 2002 provided information that was

RESPONSES

required by FLPMA. The area may be further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Additional guidance is provided by Instruction Memorandum 2003-020 which states that "The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance." When this ROW guideline was applied to Windland's ROW application an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

COMMENTS

Letter #62 (continued)

inadvertently omitted and corrected errors in the December 17 letter. Neither of these subsequent letters referenced the NOI or provided a Purpose and Need Statement for the proposed project. We assume these two subsequent letters were also mailed to other government agencies and interested members of the public. As a result (and counter to the BLM Environmental Policy Handbook), the public and other government agencies were not provided with a thorough description of the proposed project with which to enter the scoping process nor were they notified of the NOI publication in the Federal Register.

Section 1.2.1 (pp. 1-5) of the DEIS states "*the purpose of the Proposed Action is to develop an economically-feasible, wind-powered electric generation facility on Cotterel Mountain (emphasis added) that will provide an alternative renewable energy source to help supplement existing and future energy demands.*" The differences between the Purpose and Need Statements in the NOI and DEIS support our contention that the Purpose and Need of the proposed project has been a "moving target." Based on the NOI Purpose and Need Statement, the BLM would need to consider alternative site locations in Idaho for the proposed action, not just on-site alternatives as presented in the DEIS.

Given the above, the analysis presented in the DEIS differs greatly from the analysis one would expect when reading the NOI issued approximately two and a half years prior to the release of the draft. We suggest BLM has not provided clear and concise information to the public or other government agencies with which these entities were to base comments on the proposed project during the EIS scoping process. Therefore, public and agency comments provided as a result of mailed scoping announcements (the aforementioned letters and newsletter) and the NOI were based on a proposal whose purpose and need changed substantially when the DEIS was released.

Definition of Project Area and Site

BLM states unequivocally in the DEIS that "off-site" mitigation is voluntary (Section 2.5.4, pp. 2-35 and Appendix E) and the applicant makes a commitment to voluntary compensatory fund contributions for "off-site" mitigation (Appendix F). Therefore, the determination or definition of the project area or site is an extremely important decision within the DEIS and NEPA process. This decision determines the scope and scale of the analysis of affected resources, potential impacts, cumulative effects, and the determination of both on-site and off-site mitigation needs as well as the BLM's obligations and responsibilities related to decisions made within the EIS.

The project area or site boundary in the DEIS is based on a legally defined 4,545-acre right-of-way to be granted by BLM through this EIS decision. The project area boundary is not currently determined based on landownership, the purpose and need of the DEIS, the potential project impacts, or the boundaries of the inventory of the affected resources BLM is responsible for. We find the selection of the project area or site boundary in the DEIS arbitrary and capricious.

We disagree with the logic or criteria used for selection of the project area/site boundary and recommend it be expanded. First, the project area/site does not include all the transmission line or road construction and road use portions of the project (Figure 1.0-1, pp. 1-2 and others). These are clearly a necessary part of the project and its overall effects and should be included within the project area/site boundary. Second, we believe the granting of a legally defined ROW by BLM does not constitute the project area/site because the resources and management

RESPONSES

The area assessed for potential impacts from construction and operation of the proposed project varied by each resource. For example in the Draft EIS the BLM assumed that sage-grouse could be displaced from their habitat within 1.8 miles of the proposed project. However, the Proposed Project area boundary used in determining on-site mitigation needs was determine as described above and is limited to the 4,545 acres of Windland's ROW application.

C. Since mitigation may only be required of the Applicant within the Proposed Project area, BLM was limited to the BMP, ongoing sage-grouse monitoring and post construction fatality monitoring, and adaptive management described in Chapter 2, Section 2.5.4 and appendix C and D of the Draft EIS. The adaptive management as described in Section 2.5.4 (page 2-33) is being revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

COMMENTS

Letter #62 (continued)

decisions analyzed and affected by the DEIS are much broader than the legally defined ROW and should be within a boundary that includes the resources being impacted. Third, the boundary of management area 11 (Figure 3.6-2, pp. 3-84) of the Cassia RMP, which will be amended as a result of the ROD for the FEIS, is an area entirely surrounding the ROW yet the smaller ROW boundary has been defined as the "site." Defining the project area/site as the legal ROW leased by the project proponent instead of the larger RMP management area subverts the NEPA process. This definition misrepresents the project area/site impacted by the decisions to be made within the FEIS and minimizes the decision and the obligations of the BLM and the proponent to avoid, reduce, and mitigate project impacts.

The DEIS also demonstrates a confused logic on how it chose the area it analyzed and assessed within the DEIS. The "footprint" of the proposed project is defined as on-site (Section 2.5.4, pp. 2-33) but appears to exclude the transmission lines right-of-ways construction part of the project. The construction impact area is defined differently than the ROW, and for all project features is described as 365 acres for Alternative B (Section 2.4.1, pp. 2-27), with the final proposed project occupying an area of "about 203 acres" (Section 2.4.1, pp. 2-27). Alternative B is suggested to have the largest project footprint (Section 4.16.2, pp. 4-71) but the ROW boundary defined on pp. 2-33 as the "footprint" does not appear to change for either Alternative B or C. As such, the footprint should not vary among alternatives. The Biological Resources Section 3.2 (pp. 3-13) states "the BLM is responsible for conserving wildlife, plant populations, and their habitats in the Proposed Project area" and "...within the Proposed Project area, the potential impact on biological resources requires studies of vegetation and wildlife." In addition, Section 3.2 states "...to provide adequate inventory, some of the resource studies extended beyond the Proposed Project area boundary to better assess potential project impacts to wide ranging species like ferruginous hawk, sage-grouse, and mule deer." However, no definitive boundaries or logical protocol are presented for how biological inventories and impact assessments were defined or delimited.

Our greatest concern in this regard has to do with how sage-grouse and sage grouse habitat is addressed in the DEIS. For example, we are aware through Windland's sage-grouse studies that birds found on the Cotterel Mountains are a subgroup of a metapopulation ranging across the Cotterel, Albion, and Jim Sage Mountains area. Therefore, we feel strongly the affected area of the Cotterel Wind Power project should be defined as the area providing all seasonal habitats to the sage-grouse population affected by the project. Based on population connectivity as determined by the movements of radio-marked sage-grouse monitored during Windland's studies, the boundary of this area should be inclusive of and circumscribe the entirety of the Cotterel, Albion, and Jim Sage Mountains. We believe this area should be considered as "on-site" in terms of the effects of the project and mitigation for impacts of the project.

Similarly, we are aware through other Windland studies that song birds, raptors, and bats are seasonally dependent on areas within and outside of the defined ROW and as a result, will be affected by the proposed action. A logic for the selection of the assessment boundaries for these species is not clear in the DEIS.

We recommend the defined project area/site boundary be expanded in the FEIS to include the area that would incorporate the potential ecological and biological effects of the project on the

RESPONSES

D. Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures recommended by IDFG fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in IDFG comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. Whether the \$150,000 is called compensatory mitigation or a damage payment as suggested by IDFG, it is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project. Although BLM agrees that mitigation should be described for and tied to specific impacts as suggested by IDFG, we are reluctant to assign specific mitigation to potential future impacts that may or may not occur.

E. As described above the adaptive management discussion in Section 2.5.4 (page 2-33) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

COMMENTS**F. Letter #62 (continued)**

sage-grouse metapopulation encompassing the landscape of the Cotterel, Albion, and Jim Sage Mountains.

Mitigation

As the responsible federal land manager, BLM has an obligation to: 1) ensure that actions taken as a result of this decision do not result in unnecessary or undue degradation to the public lands (43 U.S.C. 302(b) and 2) evaluate the need for off-site mitigation.

The DEIS itemizes the following range of wildlife impacts due to project implementation. A permanent loss of 158-203 acres of wildlife habitat, temporary ground disturbance and habitat loss of 280-365 acres, 9.0-19.7 miles of new transmission lines, 19.3-26.6 miles of road construction, disturbance of 6 sage-grouse leks directly within the ROW, and displacement of sage-grouse from up to 26,644 acres of suitable habitat. Other impacts include disturbance of 3 golden eagle nests directly within the ROW, elimination of 105 acres of mule deer winter range, loss of 194 acres of bighorn sheep winter range, potential displacement of passerine birds from 3,700-4,485 acres of suitable habitat, and the predicted potential mortality of up to 54,000 bats and 47,320 birds and raptors every year. Because of the confusing and minimizing approach used to define the analysis area within the DEIS, we view these figures as conservative impact estimates.

For the record and perspective, the DEIS states the annual operating cost of the project will be between \$4.5 million (Alternative B) and \$2.3 million (Alternative D); construction costs will be \$200,000,000; there will be a \$1,300,000/year increase in monies to Cassia Joint School District 151; there will be a \$500,000 one time increase in sales tax revenue and a \$60,000 permanent increase in sales tax revenue from the project; the ROW rent will be \$2,365/megawatt based on installed capacity, a capacity factor of 30%, a royalty of 3%, and an average purchase price of \$0.03/kilowatt hour; minimum rent will be phased as follows: first year - 25% of total minimum fee or \$591/megawatt, second year - 50% of total minimum rental fee or \$1,182/megawatt, third year - 100% of total minimum rental fee or \$2,365/megawatt; and production rent will be in addition to minimum rent and will be based on a percentage of gross of proceeds methodology based on actual sale prices of electricity and market supported royalty rates and will include the sale of production credits. These figures sufficiently demonstrate the monetary implications of the proposed project.

In the DEIS, the proponent has agreed to a voluntary contribution of 0.5 % of the gross revenues received by the Cotterel Wind farm electricity sales for compensatory mitigation. This is estimated in Windland's commitment letter to be an average of \$150,000/year based on forecasted production and electricity rates (Appendix F). This contribution is based on BLM's policy that it does not require off-site mitigation (Appendix E), that any off-site compensatory mitigation must be voluntary (Appendix E), and that the "site" as defined in the DEIS is the legal description of the ROW proposed to be leased by the proponent.

In our view, the voluntary contribution is a damage payment or fee rather than mitigation funds to improve, restore, or replace like habitats or mitigate known impacts of the project. The value of this voluntary payment is not based on calculations of necessary mitigation needs nor is it tied to the identified and potential impacts of the project as described above. Rather it is an

RESPONSES

F. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS.

G. Section 2.3.3 (page 2-20) of the Draft EIS states "Public access to the federal and state lands would not be restricted." It further states that during construction temporary restrictions on access could be imposed for public health and safety purposes. Section 2.5.2 (Page 2-33) states that vehicle access could be restricted on a portion of the ridgeline containing new project roads. The current level of vehicle, pedestrian, and equestrian access to Cotterel Mountain will not be altered as a result of construction of the proposed project.

COMMENTSRESPONSES

Letter #62 (continued)

arbitrarily selected amount which the proponent feels may be sufficient to allow the project to proceed to implementation, and as such is a damage payment fee paid by the proponent rather than a voluntary contribution based on defined needs for compensatory mitigation. In fact, we are not aware of anywhere in the DEIS where a need for off-site mitigation is identified. IDFG is opposed to payment of any damage fees not based on actual impacts and tied to the identified mitigation needs of the project. We do not feel it is in the best interest of the public resource or responsible public resource managers to accept a monetary payment not connected to defined impacts and mitigation needs.

Impacts and losses identified in the DEIS are not connected in any way to the compensatory mitigation fund or the \$150,000/year annual damage payment. The DEIS and BLM do not attempt to calculate the actual costs of mitigation necessary to minimize the impacts to wildlife, plants, and their habitats that BLM is responsible for conserving but instead present an itemized list of impacts in the DEIS and presumed a voluntary damage fee contribution of approximately \$150K/year over 30 years is adequate compensation. We recommend the BLM rectify these deficiencies in the FEIS by estimating the monetary amounts necessary to balance or resolve identified project impacts to wildlife and wildlife recreation over the term of the project as identified in the FEIS.

In the DEIS, mitigation is defined as monitoring of wildlife mortality due to blade strike without any corresponding management response to correct potential problems and reduce future losses (Appendix D). The sage-grouse lek monitoring called for within the ROW focuses on passive data collection related to sage-grouse numbers found on leks in the ROW during the first 5 years of the project without any call for management response or mitigation if sage-grouse numbers decline (Appendix D). The DEIS also states the proponent will conduct fatality monitoring for 5 years commencing at start up (search half of the turbines once every 2 weeks in a 410 ft square plot centered on each side of each turbine, Appendix D). If monitoring identifies "hot spots" where fatalities are in excess of predicted mortality, monitoring will be extended for a term recommended by the technical committee and approved by BLM (Appendix D). As such, the DEIS does not prescribe management actions related to monitoring information collected during the 30-year life of the project. If monitoring determines sage-grouse leks decline and disappear, "hot spot" bird or bat mortality occurs, or bird/bat mortalities exceed predicted levels, the only action called for in the DEIS is a continuation of monitoring. Mitigation in the DEIS is insufficient and must be rectified in the FEIS.

To help assess a monetary value on project impacts in the FEIS, we recommend habitat avoidance and degradation mitigation be implemented through an annual mitigation payment to a mitigation trust fund. The annual payment would be based on the assessed value of impacted habitats in a radius of 1.8 miles from each turbine, a 50% level of impact to those habitats, and a 30-year impact period during which shrub-steppe conservation, restoration, and protection mitigation efforts would occur. Mitigation efforts should include, but not be limited to, fee-title land purchase, purchase of conservation easements, purchase of grazing permits, adjustment of grazing management, and implementation of other shrub-steppe restoration activities to improve sage-grouse and shrub-steppe habitats. As an incentive to provide mitigation, we recommend that failure to implement suitable and sufficient mitigation actions to balance project impacts result in revocation of the proponent's ROW permit. We also recommend the trust act as a

COMMENTS

Letter #62 (continued)

funding source for monitoring and mitigation actions during the life of the project and upon expiration of the project ROW, any balance in the trust reverts back to the proponent.

To facilitate monitoring and mitigation, we recommend establishment of interagency science and management teams. The science team should consist of 1 voting member and any appropriate technical experts from each of the proponent, BLM, IDFG, U.S. Geological Survey, and USFWS. The management team should consist of 1 voting decision maker from each of the BLM, IDFG, and USFWS. The science team's responsibilities would include designing and implementing all monitoring required to assess project impacts and associated project mitigation as required by the BLM ROW and also for analyzing monitoring results and providing appropriate recommendations to the management team and others. The management team's responsibilities would include identifying and implementing all mitigation actions required and necessary for the project as well as seeking recommendations from the science team on project impacts and mitigation. The management team insures monitoring is funded and it manages the funds set aside in a trust account for monitoring and mitigation. We recommend decisions of each team be based on consensus agreement of team members.

If, at any time, the management team determines habitat avoidance and degradation impacts are higher or lower than predicted or mitigation is more or less effective than predicted, mitigation payments and financial obligations should be appropriately increased or reduced, as determined by the management team.

Permanent and temporary habitat losses as a result of project construction should be mitigated by a single financial payment to the trust fund at the onset of project operations. As presented to BLM by IWETT and IDFG prior to the release of the DEIS, we recommend payment be based on an appraised value of the land (cost/acre) and impacts be mitigated at a rate of 4:1 for acres of permanently lost habitat and 2:1 for acres of temporarily disturbed habitat. At the onset of the project, we recommend a direct payment to the trust fund for mitigation of the predicted direct mortality impacts of the project to migratory birds, bats, and raptors. The payment should be based on the predicted levels of mortality expected to occur as a result of wind power generation. We suggest the USFWS determine the value of this initial payment based on a 4:1 ratio of predicted mortalities and value by species.

We believe monitoring of sage-grouse is necessary for the life of the project. Monitoring, as devised by the science team, should determine the effect of construction and operation of the project on sage-grouse productivity, survival, and habitat use (breeding, brood rearing, and winter habitat) and should evaluate the effectiveness of actions taken to mitigate these effects. The monitoring plan should include measures of sage-grouse population status, trends, movements, and habitat use. Habitat avoidance and degradation monitoring should compare the Cottrel Mountain project with other wind energy facilities and sage-grouse and sagebrush-steppe research and conservation efforts. The science team's evaluation of the results of this monitoring should result in recommendations to the management team on mitigation action suitability and effectiveness in relation to impacts attributable to the presence and operation of the project. The management team should seek to continually fund and implement projects maximizing restoration, protection, and conservation mitigation during the life of the project. Mitigation projects should be monitored, as prescribed by the science team, to determine if they

RESPONSES

COMMENTSRESPONSES

Letter #62 (continued)

are effective. The management team should seek to modify these projects based on monitoring studies to most fully and effectively mitigate impacts to sage-grouse from wind power generation.

The wind turbines should be intensively monitored to determine bird and bat strike mortality for the first 5 years of operation. Science team devised monitoring should meet existing scientific protocols and be consistent and comparable with monitoring efforts at other wind energy facilities.

The upper estimates of predicted bird and bat mortality provided in DEIS (Table 4.6-6, pp. 4-30) are unacceptably high (13,926 to 54,000 bats and 12,210 to 47,320 birds and raptors per year). BLM and IDFG recognize that if actual bird and bat mortalities approached these upper estimates, the project would not be implemented. However, these ranges represent estimates and we acknowledge a level of mortality may exist that would allow the project to move forward. To maintain or reduce bird and bat mortality at or below acceptable predicted levels, we recommend an adaptive management strategy is implemented for the life of the project. Adaptive management should include, but not be limited to, modifications in project operations, including turbine removal, relocation, and/or seasonal turbine shutdown. To provide incentive for implementing recommended management team adaptive management actions, we recommend failure to take management actions result in revocation of the proponent's ROW. If, after 5 years, monitoring determines mortality rates are likely to remain either higher or lower than predicted, the management team may recommend monitoring and mitigation be respectively changed.

As part of required monitoring in the mitigation plan, we recommend the science team monitor raptor nesting response in relation to project construction and operation. This should include, but not be limited to, nest occupancy, location, productivity, and abundance.

Cumulative Effects

We find the cumulative effects analysis in the DEIS superficial and inadequate. To meet a NEPA cumulative effects analysis there should be relatively detailed and quantified information about risk and effects rather than general statements about possible effects and potential impacts.

The cumulative effects analysis for sage-grouse in the DEIS (Section 4.16.2, pp. 4-71) states "...displacement from potential suitable habitat would represent less than one-half percent (0.005%) loss to the total estimated acres of suitable sage-grouse habitat state-wide." The analysis also states "an approximate 30 percent loss to the total number of leks in the areas" as well as "displacement from potentially suitable habitat would represent approximately a 19 percent loss to the total estimated acres of potential suitable sage-grouse habitat from the Proposed Project area and its vicinity."

This cumulative effects analysis does not offer any reference for the provided information. A simple statement of percent loss is not a cumulative effects analysis but rather a simple impact statement for the proposed project. No rationale was provided for the decision to determine sage-grouse cumulative effects based on statewide information and analysis. We feel an adequate cumulative effects analysis should describe the potential outcomes and implications of

COMMENTS

Letter #62 (continued)

RESPONSES

project development and should address other projects with the potential to impact sage-grouse in the reasonably foreseeable future. For example; will the loss of habitat from the project, the potential elimination of 6 active sage-grouse leks, and the displacement of sage-grouse from 26,644 acres of suitable habitat accelerate sage-grouse declines? Will these impacts jeopardize the existence of sage-grouse populations, and if so, over what area? If these impacts reduce sage-grouse populations, could it result in populations that fall below huntable levels? If these impacts reduce sage-grouse populations to below huntable levels, what implications will this have on the status of sage-grouse populations in southern Idaho?

Based on population connectivity as revealed by the movements of radio-marked sage-grouse monitored during Windland's studies, birds found on the Cottarel Mountains are a subgroup of a metapopulation ranging across the Cottarel, Albion, and Jim Sage Mountains. We could find no specific reference to this information in the DEIS. The biological implications of implementing the proposed project extend beyond the subgroup of sage-grouse within the ROW, and include the metapopulation described above. We suggest the sage-grouse cumulative effects analysis encompass impacts expected from other reasonably foreseeable future land management actions and decisions including grazing, wild and prescribed fire, exotic and noxious plant invasions, exotic perennial grass seedlings, water developments (pipelines, troughs, and impoundments), fencing, authorized and unauthorized road construction, off-road vehicle use, utility corridors, wind energy development, and habitat loss and fragmentation from agricultural development and urbanization. In addition, we suggest the sage-grouse analysis could be improved through the use of all sage-grouse movement and seasonal habitat use data collected by Windland as part of their project proposal.

In reference to raptors (Section 4.16.2, pp. 4-70) the DEIS states "*this population has been relatively unaffected for the past 30 years.*" The DEIS provides no reference or information basis for this definitive statement nor does it define the "population" it refers to (all raptors or a single species?). We question to what extent it is applicable to compare a Globally Important Bird Area located to the east and south of the Proposed Project area. Applying this logic, it would also be relevant to make comparisons to the Snake River Birds of Prey area where raptor populations are declining as a result of fire, weeds, and other habitat degradation factors that have reduced small mammal prey available to raptors. We maintain the statement "*Raptors displaced by the Proposed Project could move to other territories if suitable unused habitat is available*" (Section 4.16.2, pp. 4-70) does not constitute a cumulative effects analysis of the impacts of the proposed project on raptors.

Similarly, in reference to bats the DEIS acknowledges wind turbines are a source of migratory bat mortality, this source of mortality could result in population level impacts given the low reproductive rates of bats, and little is known about bat migration routes, corridors, or populations (Section 4.16.2, pp. 4-70). The DEIS acknowledges (Section 3.2.2, pp. 3-27 and 3-28) at least 7 species of bats, including two migratory species, are potential seasonal or year-round residents of the Cottarel Mountains, but fails to describe the potential outcomes and implications of project development.

COMMENTSRESPONSES

Letter #62 (continued)

Recreation

Recreation access should be managed to provide the types and levels of access that currently exist on Cottrel Mountain. Motorized vehicle access via improved roads should be restricted to designated roads only and should not be expanded beyond pre-project levels. Motorized vehicle access via primitive roads and trails should be restricted to designated routes only. These routes should be designated to protect soil, vegetation, wildlife, and wildlife habitats.

The DEIS does not currently explain to what extent public access will be restricted to the area where the wind turbines will be located. Hunters and other recreationists currently have access to the entire area proposed for wind power development. Cottrel Mountain is a popular hunting area, particularly the ridgeline where the wind turbines are proposed to be located. The FEIS needs to specifically identify and analyze the impacts of restrictions to access to this public land. If access is prohibited along the 15-mile array of wind turbines, the FEIS should propose mitigation for this loss of access. No restrictions or net increases to public access, except as specified above for motorized vehicles, should occur as a result of this project.

Summary

To provide a FEIS that balances project impacts with sustaining wildlife resources and recreation, we offer the following summary of previously identified issues and recommendations for incorporation into the FEIS:

1. We believe that development of the Purpose and Need statement for the proposed Cottrel Wind Power Project and the scoping portion of the EIS process have been flawed and created a "moving target" with respect to the EIS analysis process.
2. Based on the Notice of Intent Purpose and Need Statement, the BLM needs to consider alternative site locations in Idaho for the proposed action, not just alternatives on Cottrel Mountain as presented in the DEIS.
3. We find the selection of the project area or site boundary in the DEIS arbitrary and capricious. No definitive boundaries or logical protocol are presented for how biological inventories and impact assessments were defined or delimited. Information on sage-grouse movements and area used by the sage-grouse population appear to be ignored in determining the project area. The determination or definition of the project area or site is an extremely important decision within the DEIS and NEPA process. This decision determines the scope and scale of the analysis of affected resources, potential impacts, cumulative effects, and the determination of both on-site and off-site mitigation needs as well as the BLM's obligations and responsibilities related to decisions made within the EIS.
4. The voluntary contribution of 0.5 % of the gross revenues or \$150,000/year is a damage payment or fee rather than mitigation funds to improve, restore, or replace like habitats or mitigate known impacts of the project. The value of this voluntary payment is not based on calculations of necessary mitigation needs nor is it tied to the identified and potential impacts of the project. Mitigation in the DEIS is insufficient and must be rectified in the FEIS.
5. Impacts and losses identified in the DEIS are not connected in any way to the compensatory mitigation fund or the \$150,000/year annual damage payment. The DEIS and BLM do not attempt to calculate the actual costs of mitigation necessary to minimize the impacts to wildlife, plants, and their habitats that BLM is responsible for conserving but instead present an itemized list of impacts in the DEIS and presume a voluntary damage fee contribution of

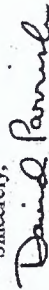
COMMENTS

Letter #62 (continued)

D		approximately \$150K/year over 30 years is adequate compensation. IDFG recommends the BLM rectify these deficiencies in the FEIS by estimating the monetary amounts necessary to balance or resolve identified project impacts to wildlife and wildlife recreation over the term of the project as identified in the FEIS.
E	6.	The DEIS does not prescribe management actions related to monitoring information collected during the 30-year life of the project. If monitoring determines sage-grouse leks decline and disappear, "hot spot" bird or bat mortality occurs, or bird/bat mortalities exceed predicted levels, the only action called for in the DEIS is a continuation of monitoring.
F	7.	IDFG finds the cumulative effects analysis in the DEIS superficial and inadequate. To meet a NEPA cumulative effects analysis there should be relatively detailed and quantified information about risk and effects rather than general statements about possible effects and potential impacts.
G	8.	The DEIS does not currently explain to what extent public access will be restricted to the area where the wind turbines will be located. The FEIS needs to specifically identify and analyze the impacts of restrictions to access to this public land. If access is prohibited along the 15-mile array of wind turbines, the FEIS should propose mitigation for this loss of access.

Thank you for the opportunity to review and provide comment on the Draft Environmental Impact Statement and Draft Resource Management Plan Amendment for the Cotterel Wind Power Project. Please contact me if you have any questions.

Sincerely,



David Parrish
Magic Valley Regional Supervisor

Cc: BLM, Boise (K.L. Bennett)
IDFG, Boise (S. Huffaker)
USFWS, Boise (M. Robertson)
USFWS, Chubbuck (S. Arena)
IDL, Jerome (T. Duffner)
IDL, Boise (S. Nichols)
Shoshone-Paiute Tribes (T. Dykstra)
IDFG, Boise (NRPB)
ECc: IDFG (R3, R4, R5, & R6 staff)

RESPONSES

COMMENTS

Letter #62 (continued)

RESPONSES

Hand delivered by
Dave Parrish on 9-22-05
3:40 pm.

E. Mayes

COMMENTS

Letter #63



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

September 22, 2005

Reply To
Attn Of:

ETPA-088

Ref: 02-086-BLM

Mr. Scott Barker, Project Manager
Bureau of Land Management
15 East, 200 South
Burley, ID 83318

Dear Mr. Barker:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed **Cottarel Wind Power Project and Draft Resource Management Plan Amendment** (CEQ No. 20050249) in Cassia County, Idaho. The review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). This section of the CAA directs EPA to specifically review and comment in writing on the environmental impacts associated with all major federal actions. Our review considers not only the impact to the environment but also the adequacy of the NEPA document itself.

The DEIS analyzes the impact of a proposal to construct, operate and maintain a 190-240 megawatt (MW) wind-driven electric power generation facility on Cottarel Mountain, land primarily administered by the Bureau of Land Management (BLM). BLM will decide whether to grant a right-of-way (ROW) for the project and amend its 1985 Cassia Resource Management Plan (RMP).

The DEIS analyzes four alternatives, A through D. Alternative A is the **no action** alternative, under which the ROW would be denied. Alternative B is the **proposed action**, with infrastructure that would include 130 turbines of 1.5 MW output each, 2 substations, 25 miles of roads (22.1 miles for new and 4.5 reconstructed roads), and a permanent project area of about 203 acres. The BLM's **preferred alternative** is Alternative C, which is a modification of Alternative B using fewer (81-98) but larger output (2-3 MW) wind turbines, about 23 miles of roads (19.5 miles of new and 3.2 miles of reconstructed roads), 1 substation, and longer transmission lines (20 miles). Alternative D would modify alternative C to avoid a portion of sage-grouse habitat using less overall acreage (158 acres) for the project and fewer wind turbines (66-82), 1 substation, and 17.4 miles of roads (14.5 miles of new and 2.9 of reconstructed roads). Both Alternatives C and D would include effectiveness monitoring, adaptive management, compensatory off-site mitigation, and a technical steering committee. Alternatives B-D would require amendments to the Cassia RMP, which currently does not allow granting a ROW for wind energy development.



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RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #63 (continued)

2


EPA supports development of alternative and environmentally sustainable sources of energy such as wind power. The DEIS for this project includes a good analysis of the potential impacts of the Cottarel Mountain Wind Power Project. We are particularly pleased that the interagency group of experts on wildlife biology (IWETT) and Technical Steering Committee are actively engaged as advisors on this project since wind power technology and configuration of wind turbines in this area are still relatively new. Effective adaptive management will be important to minimize and mitigate impacts.

The DEIS indicates that the primary impacts of this project are expected to be disruption of sage-grouse habitat and bird and bat mortality due to collisions with rotors. Water quality may be adversely affected if construction alters the hydrology of springs and surface runoff such that erosion carries sediment to tributaries and ultimately to streams already listed on the 303(d) list for sediment and/or temperature. The DEIS states that BMPs will be used to minimize these impacts. We recommend that this aspect of the project be monitored to assure that water quality is protected. A NPDES stormwater permit is required for construction projects that disturb more than one acre (40 CFR 122.26 (b)). We recommend that the final EIS include information about this permit. Air quality will be impacted in the short term due to construction activities and in the longer term due to traffic on unpaved roads, emissions from vehicles and on-site operations, and cumulative impacts from surrounding activities such as agriculture and fire. Because the project site is within the Prevention of Significant Deterioration (PSD) Class II area, it will be important to monitor the situation and take corrective action if air quality standards are not met. We recommend that the BLM continue to work closely with the U.S. Fish and Wildlife Service, Idaho Department of Fish and Game, and other experts on these issues throughout the life of the proposed project, particularly in effectiveness monitoring, adaptive management, and compensatory mitigation.

We have assigned a rating of LO (Lack of Objections) to the DEIS. This rating and a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference.

Thank you for the opportunity to review this DEIS. If you have questions or comments concerning this review, please contact Mr. Theogene Mbabaliye at (206) 553-6322 or by email at mhabaliye.theogene@epa.gov.

Sincerely,


Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

cc: EPA Idaho Operations Office

RESPONSES

COMMENTS**Letter #63 (continued)**

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO -- Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

RESPONSES

COMMENTS

Letter #64

SEP 22 05 07:51a Ina DiGrazia 208-673-6274 P.1

September 21, 2005

Mr., Scott Barker
Bureau of Land Management
Burley Office

Dear Scott,

When Windland Inc. approached the local civic and business leaders approximately five years ago the economic outlook in the Mini-Cassia area was bleak. Simplot had just closed their food plant, seriously affecting the livelihood of hundreds of local residents, both those who worked directly for Simplot and those who depended on their business. Downtown Burley looked all but deserted. Nothing was on the horizon to change this.

About then, along came Windland Inc. hinting at jobs for hundreds, millions of dollars into the coffers of local cities and counties. Everyone was elated just to have something positive and wow, did this sound positive. Positive to everyone except those of us who had lived with the windmills in California. We had escaped to a beautiful little valley in Idaho to get away from that type of scenic litter. Now we saw a beautiful stretch of mountains we had been told wouldn't be developed because it was BLM land and it made a heavenly view.

After several meetings held to "inform" the locals about Windland's project, their representatives left me very untrusting of the "facts" they represented. In the years since as the real facts have unfolded I realized the project would affect many more areas of life. The aesthetics of the valley were important to me but now I know the well being of the whole area could and probably would be damaged forever.

There have been many rumored ill affects of this large project and all are detrimental to this area, such as increased lightning strikes. (Our Mt. Harrison lookout Ranger bemoans the additional wildfires that will result). The blasting that would upset the ecology on the mountains. The blades that will kill a disproportionate number of local and migrating birds. Property values will go down since outsiders won't want to move to this newly minted industrial area. The actual affects may not be able to be calculated prior to installation. Sad if we find out much too late that such things would happen. These may be rumors but there are factual downsides.

Fact: Animals most American people only see in a zoo can be found on the Cotterel Mountains. Birds that may not be around in 20 years live in the Cotterel Mountains. These animals will no doubt be impacted by this construction in a very negative way. Although the Sage Grouse didn't quite make it to the endangered list *this year*, what about two or five or ten years from now, our population wiped out by Windland construction?

Fact: Recently the local Cassia County weed supervisor announced "he also had concerns about the Windland, Inc. wind farm project proposed for Cotterel Mountains... whenever there is an increased use, noxious weeds increase." Our government has been making a heroic effort to rid the state of thistles, puncture vine and leafy spurge. Now the BLM could be creating it's own monster, and not for a mandatory government facility but for a private company that wants the easy, cheap way into business.

Now the latest deterrent to building these sky monsters is the "fact" that the very reason they would be built may not be valid. This is in reference to the federal laws that require Idaho Power, supposedly the user of all that Windland would produce, must buy from small users first at prices they can't make money with. Therefore, Idaho Power may not buy any wind power. According to Idaho Power's own Dan Olmstead, additionally, Idaho Power now considers wind power unreliable, making their purchase more questionable.

RESPONSES

A. Thank you for your comment on the potential for increased lightning strikes and resultant fire ignitions. The draft EIS analyzes potential lighting starts impacts in section 4.15.2 on page 4-66. Based on your comments the potential impacts are further analyzed in the FEIS (either as follows or on pages such and such)

The draft EIS discloses the potential for migratory birds to be taken by the proposed project. The adaptive management section of Alternatives C and D (see Section 2.5.4) has been significantly revised to help address this problem. Although the potential for migratory bird impacts is not eliminated, BLM and its cooperating agencies have made significant progress with the right-of-way Applicants to incorporate adaptive management strategies that would help to reduce these impacts.

Concerns over blasting have been expressed throughout this analysis process and have been primarily associated with springs. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential blasting impacts to springs. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, he concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any

COMMENTS

Letter #64 (continued)

SEP 22 05 07:51A

Ina DiGrazia

208-673-6274

P.2

D Scott, can you imagine the fallout for BLM if you allow this horrible scarring of the land and they stand unused for centuries? Centuries? Do you think after Windland spends the millions to build this project and then is unable to sell the power that they will have the financial liquidity to fund the removal of these towers? I don't think so. Because how can we know now what those future costs would be, with rising oil costs, wage hikes, etc. Yes they can post a bond but that will never restore the beauty to these pristine mountains.

E Now with an excellent Economic Development Director and program going on locally, many new businesses are either here or on the way into the area, many initial supports have reexamined their position. Initial support from residents of Albion was for the extra money, only to find that it will go to Burley. The people of Burley don't have to deal with windmills daily and get the money. The road maintenance money will go to Malta but Albion's roads will be used and damaged. So we sit here feeling the ill affects with no gain. All this heartache for us only to make a private, commercial business have an easier and cheaper path to business.

I am not against wind power...we need more regenerating clean power. Finding the appropriate remote location along the freeway for towers would be great if the power would be used. My own business may gain from the "tourist effect" the towers may (?) provide. But I truly believe it is more important to look at the best long-term effect to the region. Windland, Inc. would not be good for Albion Valley.

Thank you for your careful study of this issue. I'm sure you want the right thing for Albion also.

Sincerely,

Ina DiGrazia
Albion

RESPONSES

rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affecting the lateral flow of ground water as it moves down gradient off the mountain crest. Thus, the overall mechanism of ground water flow would not be affected by blasting operations. However, a plan for monitoring spring flow during blasting is being developed and will be included in the proposed project Plan of Development.

Little information on the potential or actual impacts from wind power projects on property values is available. The ECONorthwest study is one of the few reports that provide any information on the subject. The Draft EIS Section 4.9.2 (Pages 4-48 and 4-49) discloses the known information on this subject, but it does not implicitly state that property values would not be affected by construction of the proposed project.

B. It is likely that, as described in the analysis, wildlife, such as big game would habituate to the presence of the proposed project. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

COMMENTS**Letter #64 (continued)****RESPONSES**

A great deal of information on sage-grouse has been collected on Cotterel Mountain including:

- Three years of lek attendance surveys
- Winter use surveys
- Radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use.

These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat which recommends that energy facilities should not be developed within 1.8 mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be

COMMENTS

Letter #64 (continued)

RESPONSES

displaced from potentially suitable habitat within a 1.8 mile radius of proposed project facilities.

C. Weed management is a high priority issue for the BLM. If the project is approved, the Applicant would be required to control weeds within the Proposed Project area in accordance with the BMP in Appendix C of the draft EIS. The Applicant would also be required to develop a noxious and invasive weed plan as part of the project. This would be included in the project Plan of Development. The plan would include, but not be limited to: Preconstruction weed inventories and post construction monitoring to prevent and treat the spread of weeds; the cleaning of construction equipment both entering and leaving the construction site; and the use of certified weed free seed and straw for reclamation activities.


D. BLM is not a sponsor of the wind energy project but is responsible by law, regulation and policy for processing the ROW application. The proponent of any project is responsible for determining the business financial adequacy of their proposal. BLM has completed the due diligence investigation necessary to ensure the proponent's historic and current economic viability is such as to believe their application has merit.

COMMENTS**Letter #64 (continued)****RESPONSES**

E. We appreciate your concern over the maintenance of Albion Highway District roads and the importance of adequate funding. If the right-of-way is granted for this project, the grantee will pay a significant amount of property tax to Cassia County. How those dollars are distributed within the county for road maintenance is a decision that resides with that governmental entity.

COMMENTS

Letter #65

 Twin Falls District Burley Field Office	Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASHIA RESOURCE MANAGEMENT PLAN AMENDMENT should be submitted to the Burley Field Office.		BLM-ID BURLEY FIELD OFFICE RECEIVED 2005 SEP 22 PM 2 40
	Scott Barker, Project Manager Cottrel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318 Comments may be faxed to: 208.677.6699 Comments may be emailed to: ld_cottrelwind@blm.gov		Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.
I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Please Print Name <u>Margo Saunders, M.D. / Earl L. Warthen - PLC</u> Street Address <u>P.O. Box 145</u> State <u>IDAHO</u> Zip <u>83311</u> City <u>Albion</u> E-mail (optional) _____			
Comments: ① We favor Alternative A (No Action) ② We live just 3 miles west of the Cottrel ridge, just 1600 feet lower than the ridge line. ③ Just because you can do a thing does not mean that you should. ④ The scenic beauty of this valley will forever be destroyed, and there is no adequate plan for rehabilitation of the site after use. ⑤ Idaho Power, the alleged purchaser of the power, does not favor concentrations of wind mills in one small area, but rather in smaller numbers, widely scattered. Further comments may be written on back or on paper sheets attached to this page.			

RESPONSES



Thank you for your comments, letter, and telephone calls to BLM officials in Washington, D.C. and Boise, Idaho. We are constantly seeking to balance between local and regional energy needs and leaving the public's lands and resources undisturbed. Renewable energy, specifically wind energy, demonstrates savings per kilowatt hour in CO₂, sulfur oxide, nitrogen oxide, and particulate emissions over the life of the project, that are enormous, compared with what a comparable conventional power plant would generate.

We are doing everything in our power to minimize the impact of this renewable energy project on the beautiful Albion Valley. Adaptive management is a core value that drives the Final EIS and will drive the Plan of Development. We will continue to consult with you.

COMMENTS

RESPONSES

Letter #65 (continued)

 <p>Twin Falls District Burley Field Office</p> <p style="text-align: right;">COTTEREL WIND POWER PROJECT</p>	<p>Comments Continued: Name <u>Saunders / Warthen</u></p> <p>⑥ Damage to the waterfolds, even a little, and extent is poorly defined in the E.I.S., should not be allowed when potential economic benefit is actually so marginal (except to the sellers of the windmills, and the owners of the corporations).</p> <p>⑦ We invest in wildlife habitat improvement at our own expense, and do not wish to live in the shadow of wildlife habitat destruction (regardless of your allegations to the contrary).</p> <p style="text-align: center;">pk <u>no</u> </p> <p>Please see attached letter (Exhibit A)</p>
---	--

COMMENTS

Letter #65 (continued)

Exhibit A

P.O. Box 145
Albion, ID 83311

July 25, 2005

To the Editor:

As long as we are talking about windmills, we think there are a few things that need to be said. It seems to us a wholly different thing, the private investment (albeit with the government's help) in a wind farm on private land for fair-to-middlin' reliable electrical power (that local utilities are balking at buying!) and the proposed Cottrell Mountain Wind Power Project by Windland, Inc., and Shell Wind Energy, Inc. (a subsidiary of the Royal Dutch/Shell Group).

We have reviewed the Draft Environmental Impact Statement produced by the BLM in May this year. We remain baffled by the economics of the project, and reasoning of our county commissioners and Federal bureaucrats who seem to think this is a good idea. Why we want to give up control of about 5000 acres of OUR public land to a foreign-based, multi-national corporation who will purchase the windmills from Denmark, and install them on this beautiful scenic ridge (requiring a 19.5 mile road just to become useful in the first place) makes very little sense. Furthermore, it will be Shell Wind Energy, Inc. that benefits from a huge U.S. government incentive for development of alternative power. That power may, or may not, be reliable, and will cost more to produce than all existing power sources in our state.

I drive up and down the Albion Grade, through the road construction project, daily. Many, we know, wonder (as we go) why we needed to do this in the first place, what it is costing ALL OF US, and how we will adjust to the dramatically changed landscape. As tax-paying citizens, we feel increasingly alarmed by our growing debt, wasted resources, and bad deals. The Free Trade Agreements have not improved our economy, or our way of life. Giving up our only real resource, our real estate, for development that may not even pay its own way locally makes little sense.

We of Albion, and Cassia County, will have to shoulder the burden of road maintenance, and fire suppression. What will be the cost in lives, property, and suffering from gawkers (interested in enjoying the "beautiful" view) wrecking their vehicles on I-84 and I-86 traveling those roads exceeding the speed limit? The building materials demands for this project (consider the concrete alone) will compete with local private building needs. The watersheds will be adversely affected; they ALWAYS are by road building and grading projects. We really do not need this project, and I think we ALL need to ask ourselves if we can afford another government-financed, land give-away travesty?

Sincerely,



Margo Saunders, M.D.



Earl L. Warthen

RESPONSES

COMMENTS

Letter #66



Scott Barker
Project Manager
Bureau of Land Management
Burley Field Office
15 East, 200 South
Burley, ID 83318

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 23 AM 9 40

Re: Comments on the Draft Environmental Impact Statement
for the Proposed Cotterel Wind Power Project

Dear Mr. Barker:

On June 24, 2005, the Bureau of Land Management ("BLM") issued the Draft Environmental Impact Statement ("DEIS") for the Proposed Cotterel Wind Power Project and Draft Resource Management Plan Amendment. 70 Fed. Reg. 35692 (June 21, 2005). These comments on the DEIS are submitted in response to the Federal Register Notice on behalf of the applicant, Windland, Inc. ("Windland"), and Shell WindEnergy, Inc. ("SWEI"). Please consider these comments and include them in the Administrative Record for the Project Application in the Environmental Impact Statement ("EIS") for the proposed Cotterel Wind Power Project (the "Project").

Introduction

Part I of these comments summarizes Windland's and SWEI's overall position on the DEIS. Part II describes particular areas where the DEIS needs to be amended, clarified, or expanded to describe the Project accurately. In addition, for your convenience, we have attached as Appendix A an errata sheet summarizing a number of less significant, technical corrections we believe require little or no explanation.

I. Summary of Windland's and SWEI's Overall Position on the DEIS

Windland and SWEI believe that the DEIS provides a thorough analysis of the potential environmental impacts of the Project. The analysis satisfies the National Environmental Policy Act's ("NEPA") twin aims of 1) requiring BLM to take a "hard look" at the environmental impact of the Project and 2) informing the public of the potential impacts of the Project and explaining how those impacts will be addressed. *Churchill County v. Norton*, 276 F.3d 1060, 1072 (9th Cir. 2001). Windland and SWEI support the approach taken in the DEIS. Windland and SWEI further believe that the DEIS justifies selecting the Proposed Action (Alternative B) as the preferred alternative. The analysis of the impacts of Alternative C, BLM's preferred alternative, on the human environment in the DEIS demonstrates that such impacts are not significant and the final EIS should explicitly state this conclusion.

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement.

COMMENTS**Letter #66 (continued)**

Windland and SWEI have prepared detailed comments that address a variety of issues that Windland and SWEI believe warrant correction and/or clarification in the Final EIS and Record of Decision. Although the majority of the following comments are important to enhancing the technical accuracy and clarity of the EIS, Windland and SWEI do not believe that they significantly impact the DEIS' assessment of potential impacts to the quality of the human environment, or BLM's assessment of the likelihood or magnitude of such potential impacts. Windland and SWEI believe there are a small number of potential environmental impacts that may require further consideration, including impacts reasonably foreseeable in connection with the transmission line(s) and have identified those potential impacts in comments for BLM's consideration. In general, however, Windland and SWEI believe that the DEIS adequately analyzes the potential environmental impacts of the Project.

II. Detailed Comments**A. Descriptions related to the geographic scope of the Project**

The DEIS states that the BLM has received a Right-of-Way ("ROW") application from Windland for the construction, operation and maintenance of a wind-driven electric power generation facility on Cottarel Mountain. DEIS at 1-1. The DEIS correctly states that there are project features which are common to all of the action alternatives (Alternatives B, C and D): 1) multiple wind turbines and turbine foundations, 2) multiple pad mounted transformers, 3) buried power collection lines and communication cables, 4) project access roads, 5) meteorological towers on foundations, 6) substation(s), 7) operations and maintenance building, 8) portable on-site cement batch plant and rock crusher and 9) 138 kV overhead power transmission interconnect line(s). DEIS at 2-2, Executive Summary at ES-12. The transmission interconnect line(s) are an integral part of the Project, as proposed.

Under Alternatives B, C and D, many wind farm components (Items 1-6 & 8 in previous paragraph) will be located on or near the ridgeline of Cottarel Mountain, on federal and state lands in Cassia County, Idaho. Alternative B has two transmission interconnect lines. The Alternative B northern line will be located on federal, state and private lands while the Alternative B southern line will be located on federal and private lands. Segments of the Alternative B transmission lines will be located on Cottarel Mountain and segments will be located beyond the footprint of Cottarel Mountain in Cassia County, Idaho. The Proposed Action (Alternative B) is located wholly in Cassia County, Idaho.

Alternatives C and D have only one transmission interconnect line which will be located on federal, state and private lands. This proposed transmission interconnect line also has segments located on and beyond Cottarel Mountain in Cassia and Minidoka Counties, Idaho.

Windland and SWEI are concerned that the current description of the Project and its location (on Cottarel Mountain and solely within Cassia County) should be

RESPONSES

COMMENTS

Letter #66 (continued)

amended to show that the transmission line envisioned under Alternatives C and D traverses both Cassia and Minidoka Counties. Similarly the Minidoka County Commissioners and Planning and Zoning Committee may be required to approve a conditional use permit for certain components of the project.

Use of the term "Proposed Project area" may be confusing for reviewers and may benefit from additional clarification. Throughout the DEIS, the term "Proposed Project area" appears often to refer solely to Cottarel Mountain, e.g., DEIS at 3-11, 3-52, 3-85, Figure 1.0-1 Executive Summary at ES-15. Given the proposed location of the Project will be on and beyond Cottarel Mountain, use of this term is often inaccurate. To the extent possible, the DEIS text should indicate whether the observations and findings relate to the wind farm portion of the Project located on or near the Cottarel Mountain ridge line or the Operations and Maintenance building and transmission interconnect line(s) portions of the Project which will be located primarily beyond Cottarel Mountain.

An additional source of potential confusion arises from use of the terms "on-site" and "off-site". In Appendix E, IM # 2005-069 defines "onsite mitigation" as: "Mitigation of the actual area affected by the action causing the impact." In section 2.5.4 "on-site" is defined as: "the 'footprint' of the Proposed Project, or the area granted in the ROW. Off-site is anything outside of that area." (emphasis added) It is unclear whether "on-site" refers only to the area of surface impact of the project or some larger region. The DEIS text should be modified to clearly show such a delineation.

B. Affected Environment

The DEIS describes in detail the environment on Cottarel Mountain potentially affected by the Project. DEIS at 3-1. The discussion of potentially affected resources should be expanded to include those related to the Alternatives B, C and D transmission interconnect line(s), including the transmission line in the vicinity of the Snake River, Lake Walcott and the Minidoka National Wildlife Refuge. Corresponding revisions should be included on the related Figures.

C. Environmental Consequences

The DEIS analyzes the environmental consequences of the construction and operation of the wind electric generation facility under the No Action Alternative and Alternatives B, C and D. While we anticipate no significant impacts, Windland and SWEI recommend that the analysis be expanded to include not only the potential and anticipated environmental consequences of the construction and operation of the wind farm on Cottarel Mountain but also of the construction and operation of the Alternatives B, C and D transmission interconnect line(s). We believe there will be no impacts to wetlands or the waters of the United States, but the analysis of the Alternative C and D transmission line should document potential impacts to the Snake River, Lake Walcott and the Minidoka National Wildlife Refuge. The Alternative C

RESPONSES

COMMENTS**Letter #66 (continued)**

and D line's transit through Minidoka County might also warrant discussion between BLM and Minidoka County officials. Similarly, BLM may wish to coordinate with Idaho Department of Environmental Quality regarding the impact, if any, of sanitary facilities at the Operations and Maintenance building.

1. Climate and Air Quality

The construction of the facility may require a limited amount of controlled blasting in connection with the installation of turbine foundations, roads and transmission interconnect line poles. The blasting activities generate CO, NOx and particulates. During operation of the facility, the maintenance of the turbines requires changing turbine oil, cooling fluids and grease, all of which may release minor amounts of VOCs. These activities are of limited duration and would not be expected to alter the DEIS analysis of impacts to air quality under any of the Alternatives. DEIS at 4-3, 4-4. It should also be noted that electrical generation from wind may reduce emissions to air from displaced traditional fossil-fuel generation.

2. Soils and Geology

The sections on soils and geology in the DEIS at 3.1.2 and 3.1.3 and figure 3.1-1 do not include the impact of the transmission line alternatives for alternatives B, C or D. The DEIS should include an analysis of the impacts of the proposed lines. These impacts are expected to be minimal, especially where the new lines run in existing transmission corridors.

3. Water Resources

As with most wind electrical generation projects, the Project requires far less water than other energy generation facilities. The DEIS analysis focuses almost exclusively on water resources impacts during construction of the wind farm on Cottarel Mountain. DEIS at 4-7. The DEIS does not describe the scope and potential groundwater or surface water effects resulting from the acquisition of water from public or private water sources for construction activities and for the O&M Building. While the DEIS states that BMP will be followed to prevent sediments and other pollutants from entering streams in the vicinity of Cottarel Mountain, the DEIS does not analyze the minimal expected effects from authorized fill activities, if any, on Cottarel Mountain due to access road improvements or construction or along the Alternatives B, C and D transmission line route. The DEIS should include an analysis of the effects on groundwater, if any, from the O&M building domestic well and sanitary system.

4. Noise

Construction of the wind farm and the transmission interconnect line would create the greatest Project-related noise impacts. In addition to the minimal sound created through the operation of the wind turbines, the operation of the transmission

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COMMENTS**RESPONSES****Letter #66 (continued)**

interconnect line will create corona noise typical of all power lines which the DEIS should analyze. Operation of the transformers and switchgear can create sound as well. Finally, the operation of vehicles for maintenance activities would increase the noise level in the vicinity of the Project, but not appreciably.

5. Wildlife Impacts

The DEIS states that construction activity from late May or June through early July could displace hibernating or breeding western small-footed myotis and lead to offspring mortality increases. DEIS at 4-22. However, the DEIS states that the western small-footed myotis hibernates winter-long. The DEIS discussion should be clarified to explain how the proposed construction activities in early summer would affect bats that hibernate in the winter. No construction activities are anticipated in the winter.

Windland and SWEI agree with BLM's statement that their assessment of the impact to the Greater Sage-Grouse is conservative, and that there is incomplete and unavailable information regarding the effects. Windland and SWEI's commitment to assessing and mitigating any potential impacts is evidenced by our voluntary participation in a compensatory mitigation program.

6. Cultural Resources

The DEIS should note that BLM has reviewed records of known Cultural Resources in the vicinity, drafted a section 106 report and consulted with the Idaho SHPO and include the results of those consultations.

7. Visual Resources

The DEIS discusses in detail the potential impacts to visual resources. DEIS at 4-56. The discussion should be further expanded to include potential visual impacts from the substation, trenching, road construction and meteorological towers.

8. Mitigation Measures

There are inconsistencies within the DEIS related to the scope of monitoring required under Alternative B and additional monitoring associated with Windland and SWEI's voluntary participation in mitigation efforts under BLM Instructional Memorandum 2005-069. The DEIS states that the Applicant "would be required to complete on-site monitoring as a condition of the ROW grant the same as described under Alternative B." DEIS at 2-33. However, there is no discussion of on-site monitoring under Alternative B at 2-23-2-33. Additionally, in section 2.3.7 where impacts common to all action alternatives are discussed, the DEIS states that Windland will perform "fatality monitoring" under all action alternatives. In section 2.5.4 the scope of on-site monitoring under Alternative B is said to include "on-site fatality monitoring associated with the operation of the turbines" but the scope required monitoring also

COMMENTS

Letter #66 (continued)

includes "on-site sage-grouse lek studies". Additional confusion could result from section 2.5.4 and Appendix D using language that does not clearly distinguish between monitoring required under all action alternatives and additional monitoring funded through a compensatory mitigation fund. The DEIS text should be updated to clarify the monitoring requirements associated with Alternative B and distinguish those requirements from any additional monitoring that would be associated with Windland and SWEI's participation in a voluntary mitigation effort under BLM Instructional Memorandum 2005-069.

D. Additional Considerations**1. Adaptive Management**

The DEIS calls for the implementation of comprehensive on-site monitoring, effectiveness monitoring, adaptive management and compensatory off-site mitigation program. DEIS at 2-27, 2-33, to 2-36, 1-40, Appendix D at D-1 to D-3. An undefined scope of potential "operational changes of turbines" (DEIS at 2-35), however, could make the project uneconomical, unable to be financed, and ultimately prevent the construction of the Project. Windland and SWEI recognize the need for and actively support certain wildlife mitigation measures, as demonstrated by Windland's voluntary commitment to a compensatory mitigation program. The monitoring programs, adaptive management and mitigation need to be reasonable, adapted to the purpose of the Proposed Action, and permit the Project to be financed by commercial lenders.

2. Federal Advisory Committee Act and Committee Funding

Any teams or committees, such as the Steering Committee established under IM 2005-069, should be reviewed for compliance with the Federal Advisory Committee Act. We also request that any voluntary fund be structured with sufficient flexibility to pay for the collection of "pre-construction baseline data" (DEIS at 2-33) collected either "on-site" or "off-site".

3. Cumulative Effects

BLM should review its cumulative effects analysis (DEIS at 4-67 to 4-74) and satisfy itself that this analysis provides sufficient quantified and detailed information. If quantified and detailed information is unavailable for a particular topic, the analysis should justify why more definitive information could not be provided. Similarly, BLM may wish to review recent guidance from the Council on Environmental Quality regarding the consideration of past actions in cumulative effects analysis. See Memorandum from James L. Connaughton to heads of federal agencies regarding guidance on the consideration of past actions and cumulative effects analysis, dated June 24, 2005.

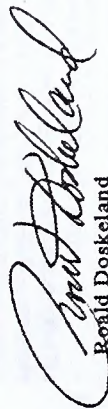
RESPONSES

COMMENTS**Letter #66 (continued)****4. Strict Liability**

Appendix C contains the Best Management Practices including a discussion of liability and bonding on pages C-10 and C-11. As written, Windland and SWEI will be strictly liable for damage or injury caused by fire (or soil movement) within the right-of-way or permit area caused by any other party. Consequently, a wildfire that sweeps through the right-of-way that was human-caused could, under this provision, become the liability of the permit holder. This exposure is unacceptable and should be limited in scope, both in terms of strict liability for activity of other parties and the maximum limitation of the liability "to be determined," according to the DEIS.

Windland and SWEI believe that the DEIS provides a well-reasoned and thorough analysis of the environmental and public safety impacts of the Project and the proposed alternatives. We appreciate the opportunity to submit these comments.

Sincerely,



Roald Doskeland
President
Windland Incorporated

RESPONSES

COMMENTS

Letter #66 (continued)



APPENDIX A: ERRATA

Page	Language in DEIS	Suggested Correction
Inside cover title page	The title page states that the DEIS was prepared on behalf of Windland, Inc. . . . and Shell WindEnergy, Inc.	The Applicant is Windland, Inc. Please delete the reference to Shell WindEnergy, Inc.
Abstract	Windland, Inc. is in partnership with Shell WindEnergy, Inc., a subsidiary of Royal Dutch/Shell Group.	Windland, Inc. has entered a Development Agreement with Shell WindEnergy, Inc. (a member of The Shell Group) relating to the proposed development of a wind electric generation facility and related infrastructure on and in the vicinity of Cotterel Mountain (Cassia and Minidoka Counties).
Abstract	There is a small amount of Idaho State land and privately-owned land associated with the proposed project.	There is a relatively small amount of Idaho State land and privately-owned land associated with the Proposed Project.
ES-3	Windland, Inc., a Boise-based private wind energy development company, in partnership with Shell WindEnergy, Inc., a subsidiary of Royal Dutch/Shell Group, is proposing to build a wind energy facility along the Cotterel Mountain	Windland, Inc., a Boise-based private wind energy development company, with co-developer, Shell WindEnergy, Inc. (a member of The Shell Group) is proposing to build a wind energy facility and related infrastructure along and in the vicinity of the Cotterel Mountain
ES-3	The Proposed Project would be located in Cassia County, Idaho	The Proposed Action would be located in Cassia County, Idaho
ES-3	There is a small amount of Idaho State land and privately-owned land associated with the Proposed Project.	There is a relatively small amount of Idaho State land and privately-owned land associated with the Proposed Project.
ES-4	The Applicant is responding to the BPA and Idaho Power's Requests for Proposals to include wind energy resources as a percentage of their energy portfolios.	The Applicant is responding to the BPA, PacifiCorp and Idaho Power Requests for Proposals to include wind energy resources as a percentage of their portfolios.

Appendix A: Page 1

RESPONSES

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Letter #66 (continued)



Page	Language in DEIS	Suggested Correction
ES-4	The BLM existing Cassia RMP does not address wind energy development.	The BLM existing Cassia RMP limits ROW to existing facilities and locations and does not address wind energy development.
ES-4	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of a wind energy project on federal lands.	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of a wind energy project and related transmission line(s) on federal lands.
ES-4	The Cassia County Commissioners and Planning and Zoning Committee will approve a conditional use permit for certain components of the project.	The Cassia County Commissioners and Planning and Zoning Committee must approve a conditional use permit for certain components of the project.
ES-6	The transmission interconnect line ROW would cross lands managed by BLM, Idaho State, as well as those under private ownership.	The transmission interconnect lines ROW would cross lands managed by BLM, Idaho State, as well as those under private ownership.
ES-6	None.	DEIS should include Alternative B discussion re: public access, wildlife monitoring and meteorological towers.
ES-7	The exact location of proposed wind turbines, roads, transmission interconnect lines	The exact location of proposed wind turbines, roads, transmission interconnect line Under Alternative C, a single overhead 138 kV transmission interconnect line would be constructed.
ES-7	(2 nd Paragraph) Under Alternative C, two sizes of wind turbine would be considered.....	Under Alternative C, a range of wind turbines would be considered. The smallest in the range would have a The largest turbine in the range would have a

COMMENTS

Letter #66 (continued)



Page	Language in DEIS	Suggested Correction
ES-10	Wind turbines, substations, and transmission interconnect lines would be the same for Alternative D as described under Alternative C.	The wind turbines, substation, and transmission interconnect line would be the same for Alternative D as described under Alternative C.
ES-12	Newly constructed 138 kV overhead power transmission interconnect lines.	Under Alternatives C and D, there is one substation and one transmission interconnect line proposed.
ES-13, 14	... the Cassia RMP contained no provisions for the granting of a ROW for wind energy development.	Newly constructed 138 kV overhead power transmission interconnect line(s). ... the Cassia RMP contained no provisions for the granting of a ROW to new facilities / localities within Management Area 11, including a ROW for wind energy development.
ES-15	Approximately 40 BLM Sensitive plant and animal species are known to occur or are suspected to occur within the project area and its vicinity.	Approximately 40 BLM Sensitive plant and animal species are known to occur or are suspected to occur within the Proposed Project area and its vicinity.
ES-15	The Proposed Project would be located in Cassia County, Idaho.	The Proposed Action would be located in Cassia County, Idaho. [The Preferred Alternative and Alternative D would be located in Cassia and Minidoka Counties. This change applies throughout document.]
ES-17 – 28	Summary Comparison of Resource Impacts.	See following pages.

Appendix A: Page 3

RESPONSES

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Letter #66 (continued)



Resource Issue	Alternatives			
	A	B	C	D
Air Quality p ES-17			Impacts to climate or air quality would be similar to those described under Alternative B; however, the temporary effects would be slightly less due to less construction.	Impacts to climate or air quality for Alternative D would be similar to those described under Alternatives B and C; however, the temporary effects to air quality would be the least under Alternative D.
Big game displacement and/or stress p ES-19				Smaller project size would result in reduced area of displacement and less areas of improved public access.
General wildlife habitat p ES-19				Displacement would still occur but on a smaller scale. Permanent loss of 158 acres of potential habitat. Smaller project size would result in reduced area of displacement and fewer areas of improved public access.
Prehistoric Resources p ES-22	There would be no effect	No effect		
American Indian Concerns p ES-22	There would be no effect			
Historical Resources p ES-23	There would be no effect			

COMMENTS

Letter #66 (continued)



Resource Issue	Alternatives			
	A	B	C	D
Property Values	There would be no effect.			
p ES-24 Environmental Justice	There would be no effect.			
p ES-24 Public Access	There would be no effect.			
p ES-25 Land Status	There would be no effect.			
p ES-26 Rights-of-Ways	There would be no effect.			
p ES-26 Visual Resources	There would be no effect.			
p ES-27 Hazardous Materials	There would be no effect.	During construction and operation of Alternative B, BMP would be used to avoid spills, leaks, or dumping of hazardous substances.		
p ES-27				

Appendix A: Page 5

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Letter #66 (continued)



§ 1.0 Figure 1.0-1	Project Area Boundary	Related text only discusses Cotterel Mountain. Transmission line routes should be deleted or fully depicted.
§ 1.0 1-4	In April 2001, Windland responded to the BPA RFP based on studies showing potential for development of a wind-powered electrical generation project on Cotterel Mountain.	Windland has also responded to PacifiCorp (March 04) and Idaho Power (March 05) RFPs.
§ 1.0 1-4	During construction, there would also be several on-site temporary equipment storage and construction staging areas.	During construction, there would also be several on-site temporary equipment storage and construction staging areas. There may also be additional equipment storage and construction staging areas in the vicinity of Cotterel Mountain.
§ 1.0 1-4	The BLM is currently preparing a National Programmatic Wind Energy EIS to address the development of wind energy resources on all BLM-administered public lands across the western states.	Windland and SWEI suggest that BLM update the paragraph to reflect the current status of the Final Programmatic EIS.
§ 1.1 1-5	However, Windland is pursuing the development of Proposed Project as part of a 50-50 joint venture between Windland and Shell WindEnergy, Inc. (SWEI).	However, Windland is pursuing the development of the Proposed Project with Shell WindEnergy, Inc. (SWEI).
§ 1.1 1-5	Shell Oil Corporation and part of the Royal Dutch / Shell group of companies wholly own SWEI.	Shell Oil Company (part of The Shell Group) wholly owns SWEI.
§ 1.1 1-5	... they would jointly form a Limited Liability Corporation (LLC), or other corporate entity they would form a limited liability company (LLC), or other corporate entity
§ 1.1 1-5	The new LLC or other corporate entity would be used for financing the construction of the Proposed Project.	The new LLC or other corporate entity would be used for constructing, owning and operating the Proposed Project.

COMMENTS

Letter #66 (continued)



§ 1.2.1 1-5	National Policy also encourages the development of clean energy.	The National Energy Policy also encourages the development of renewable energy.
§ 1.2.1 1-5	The U.S. Congress and Executive Branch recently re-instituted a 1.8-cent per kilowatt hour production tax credit to encourage the development of clean wind energy.	Windland and SWEI suggest that BLM update the text to reflect provisions of Energy Policy Act of 2005.
§ 1.2.1 1-5	Interim Wind Energy Development Policy.	Windland and SWEI suggest that the FEIS reflect the fact that the Wind Energy Development Program evaluated in the PEIS will replace the Interim Wind Development Policy.
§ 1.2.2 1-6	Both IPC and PacificCorp recently issued an RFP for wind energy in their service districts, actively seeking renewable energy alternatives to traditional energy development.	IPC and PacificCorp issued (in 2005 and 2003 respectively) RFPs for wind energy in their service districts, actively seeking renewable energy alternatives to traditional energy development.
§ 1.3 1-9	In this analysis, the cooperating agencies include the BPA, U.S. Fish and Wildlife Service (USFWS), Idaho Department of Lands (IDL), Bureau of Reclamation (BOR), and Cassia County Commissioners, representing the local government.	The U.S. Army Corps of Engineers and the Minidoka County Commissioners may make a decision relating to the Proposed Action and Alternatives based on the EIS. They should be listed as cooperating agencies.
§ 1.5 1-10	Technical guidance relevant to the construction, operation and maintenance of a wind energy development will be provided by the applicant, Windland, Inc. in partnership with Shell WindEnergy, Inc.	The language of the IWETT Charter misstates the relationship between Windland and SWEI. Windland and SWEI are co-developers.

RESPONSES

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Letter #66 (continued)



§ 1.8 Table 1.8-1 1-13 1-14	Table 1.8-1 Federal and State Authorities and Actions for the Proposed Project.	Tobacco/Firearms – explosives for turbine foundations; U.S. Environmental Protection Agency – construction stormwater permit – Clean Water Act; Idaho Department of Environmental Quality – Air Quality; Idaho Health Department – O&M Building septic system ; Idaho Department of Transportation – transmission line crossing of Interstate, oversize load permits; U.S. Army Corps of Engineers – dredge and fill permit; Federal Aviation Administration – Determination of No Hazard to Air Navigation.
§ 1.9.1 1-14	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of the Proposed Project on federal lands.	The BLM also will decide whether to grant a ROW for a portion of any transmission line constructed on or which crosses lands managed by the BLM and/or BOR.
§ 1.9.2 1-15	The BPA will make a decision whether or not to offer contract terms for the interconnection of the Windland project to the Federal Columbia River Transmission System (FCRTS).	BPA approval is not required for the transmission interconnect lines identified in Alternatives C and D.
§ 2.3 2-2	The Proposed Project action alternatives would consist of . . . transmission interconnect lines for connection to the existing utility grid.	The Proposed Project action alternatives would consist of . . . transmission interconnect line(s) for connection to the existing utility grid.
§ 2.3 2-2	There would be several wind speed measuring meteorological towers . . . sited within the Proposed Project area.	Please add proposed permanent meteorological towers to DEIS Figures; none is shown.
§ 2.3.1 2-3	The tower is a tubular freestanding, painted steel conical (tubular) – type structure that is manufactured in multiple sections depending on the required height.	The tower is a tubular freestanding, painted steel structure that is manufactured in multiple sections depending on the required height.

COMMENTS

Letter #66 (continued)



§ 2.3.1 2-5	The gearbox, generator, and various control equipment are enclosed in the nacelle, which is the housing of the unit that protects the turbine mechanics and electronics from environmental exposure.	The gearbox, generator . . . which is the housing unit that protects the turbine mechanics from environmental exposure.
§ 2.3.1 2-5	The type and brand of turbines would be limited by manufacturer production capacity within the timeframe of the Proposed Project schedule.	The type and brand of turbines installed would be determined commercial factors within the timeframe of the Proposed Project schedule.
§ 2.3.1 2-7	These trenches would be primarily located within the roadbed of the turbine connector roads.	These trenches would be located within the roadbed of the turbine connector roads, when technically feasible.
§ 2.3.1 2-7	Underground communications cables would be buried in the same trenches as the medium voltage electrical system.	Underground communications cables would be buried in the same trenches as the medium voltage electrical system, when technically feasible.
§ 2.3.1 2-7	The transmission interconnect line would be hung from two-pole, wooden H-frame structures approximately 60 to 65 feet tall (Figure 2.3-3).	The transmission interconnect line would be hung from two-pole, wooden H-frame structures approximately 60 to 65 feet tall (Figure 2.3-3). In some instances, steel-framed poles would be installed, where required due to ice or other loading concerns.
§ 2.3.1 2-8	Description of Operations and Maintenance Facility.	The O&M facility will likely include a domestic well and sanitary facilities for operations staff.
§ 2.3.2 2-8	Additionally, project construction and operations will follow BLM Best Management Practices (BMP) as described in Appendix C.	Additionally, project construction and operations will follow BLM Best Management Practices (BMP) as described in Appendices C and D.
§ 2.3.2 2-9	Five equipment lay-down areas would be required for construction of the Proposed Project.	In addition to the lay-down area on the project site, there may also be construction marshalling areas in the vicinity of Cotterel Mountain.

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Letter #66 (continued)



§ 2.3.2 2-11	Where possible, the BLM Sensitive plant species <i>Pedio cactus</i> would be transplanted from road ROW and tower pad sites to areas outside of the project impact area, as approved by the BLM.	Please include this BMP in Appendix D – Roads/Construction Pads / Fill / Transformers.
§ 2.3.2 2-11	All construction equipment would be thoroughly washed off-site prior to delivery to the project site.	All construction equipment would be thoroughly washed off-site prior to delivery to the project site on Cotterel Mountain.
§ 2.3.2 2-16	The batch plant would not be located with 1/4 mile of any golden eagle nest, consistent with BMP for wildlife (Appendix D).	Windland and SWEI suggest that BLM include this BMP in Appendix D. The Appendix D BMP relating to activities in the vicinity of golden eagle nests currently applies only to placement of turbines.
§ 2.3.2 2-17	During construction, water would be needed for dust control and for making concrete.	During construction, water would be needed for dust control, making concrete and equipment washing.
§ 2.3.2 2-17	No wells would be drilled or springs developed for the Proposed Project.	No wells would be drilled or springs developed for construction of the Proposed Project. The O&M building may need to have a well drilled for domestic use only.
§ 2.3.2 2-18	Discussion of construction traffic.	Discussion appears limited to wind farm site activities. Needs to include transmission line construction traffic.
§ 2.3.2 2-20	The Applicant anticipates that all permanent positions, with the exception of the foreman position, would be filled from the local labor force.	The Applicant anticipates that all permanent positions, with the exception of the foreman position, could be filled from qualified personnel from the local labor force.
§ 2.3.2 2-20	The sanitation facilities would be located at each of the crane assembly areas, the batch plant . . .	During construction, the sanitation facilities would be located at each of the crane assembly areas, the batch plant . . .

COMMENTS

Letter #66 (continued)



§ 2.3.2 2-20	The two substations would be fenced with 12-foot high chain-link fence to prevent public and wildlife access to high voltage equipment.	The substation(s) would be fenced with 12-foot high chain-link fence to prevent public and wildlife access to high voltage equipment. Under Alternatives C, D, only one substation is required.
§ 2.3.2 2-20	Safety signs would be posted in conformance with applicable state and federal regulations around . . . the two transformers	Safety signs would be posted in conformance with applicable state and federal regulations around . . . the substation(s) and on the transformer(s) . . .
§ 2.3.3 2-20	Although coordination with the FAA has not been initiated, based on the lighting and marking requirements of similar projects and the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K), a likely adequate lighting set up for the Proposed Project can be determined.	Although coordination with the FAA has not yet been initiated,
§ 2.3.4 2-21	Cranes used for maintenance activities are not as large as the large track-mounted cranes needed to erect the turbine towers.	Cranes used for maintenance activities are not as large as the large track-mounted cranes needed to erect the turbine towers. Occasional use of a construction size crane may be required.

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Letter #66 (continued)



§ 2.3.4 2-21	All potentially hazardous materials used in the O&M of the wind plant would be stored in the O&M building in approved above ground containers with appropriate spill containment features.	Windland and SWEI will use, manage and store materials used in the O&M of the wind plant, including turbine lubricants in accordance with applicable law. The Superfund Amendment and Reauthorization Act does not apply to petroleum products and does not regulate "potentially hazardous" materials. See 42 U.S.C. §9601(14). Windland and SWEI suggest the deletion of the term "potentially hazardous materials" from the hazardous materials management discussion. If BLM wishes to specify management practices for materials that are not classified as hazardous, it should do so in a separate non-hazardous materials management section.
§ 2.3.4 2-21	No extremely hazardous materials (as defined by 40 CFR, Section 335) are anticipated to be produced, used, stored, transported, or disposed of as a result of this Project.	No extremely hazardous materials (as defined by 40 CFR Section 355) are anticipated to be produced, used, stored, transported, or disposed of as a result of this Project.
§ 2.3.4 2-21	The transformer oil would not be subject to periodic inspection and does not need replacement.	The transformer oil is subject to periodic inspection and replacement.
§ 2.4.1 2-27	None.	There is no discussion of public access, the O&M Building, or met towers under Alternative B. There also is no discussion of mitigation measures. Based on Table 2.8-1, mitigation measures would be limited to avian and bat mortality monitoring. However appendix D states that the lek study would be included. This needs to be made consistent.
§ 2.5 2-28	The exact location of . . . and transmission interconnect lines	The exact location of . . . and transmission interconnect line Under Alternative C, there is only one transmission interconnect line.

COMMENTS

Letter #66 (continued)



Figure 2.5-1 2-29	Figure 2.5-1. Alternative C, 81 100m Rotor Diameter Turbines.	Figure 2.5-1 should include the depiction of meteorological tower locations.
Figure 2.5-2 2-30	Figure 2.5-2. Alternative C, 98 77m Rotor Diameter Turbines.	Figure 2.5-2 should include the meteorological tower locations.
§ 2.5.1 2-31	(2 nd Paragraph) Under Alternative C, two types of wind turbines would be considered. The smaller of the two..	Under Alternative C, a range of wind turbines would be considered. The smallest in the range would have a The largest turbine in the range would have a
§ 2.5 2-36	The intent is to ensure interagency involvement in mitigation and monitoring activities with particular emphasis on addressing the requirements of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act and sage grouse conservation.	The intent is to ensure interagency involvement in mitigation and monitoring activities relating to migratory birds, bald and golden eagles and sage grouse.
Figure 2.6-1 2-38	Figure 2.6-1 Alternative D, 66 100m Rotor Diameter Turbines.	Please include meteorological towers on Figure.
Figure 2.6-2 2-39	Figure 2.6-2 Alternative D, 82 77m Rotor Diameter Turbines.	Please include meteorological towers on Figure.
Table 2.8-1 2-45	Public Access Available.	Windland and SWE suggest that Table 2.8-1 be revised to reflect the fact that public access will be available under Alternative B.
§ 2.9.4 2-61	This proposed amendment would allow the granting of a ROW on Cotterel Mountain for a wind energy development project.	This proposed amendment would allow the granting of a ROW on and in the vicinity of Cotterel Mountain for a wind energy development project and related transmission interconnect line.

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Letter #66 (continued)



§ 3.1.1 3-3	All of Cassia County and the remainder of Idaho are designated as PSD Class II areas.	All of Cassia County and Minidoka County and the remainder of Idaho are designated as PSD Class II areas.
§ 3.1.4 3-9	There are no major streams within the Proposed Project area. Intermittent streams fed by snowmelt contribute directly and indirectly to perennial streams in the Proposed Project vicinity	The Water Resources discussion needs to include the Snake River, Lake Walcott and other waters along transmission line route. The current discussion does not provide sufficient detail to determine whether waters within the wind farm boundary are within the Corps' jurisdiction
§ 3.2.3 3-47	In Canada, sage-grouse have been listed provincially as endangered or threatened (Aldridge 2000).	The DEIS states that the USFWS determined in 2005 that sage-grouse listing under the ESA was not warranted. Since the Proposed Project is in the United States rather than Canada, the reference to the Canadian listing does not apply to the Proposed Project and should be deleted.
§ 3.2.3 3-49	This study [sage-grouse radio telemetry study] is proposed to continue for several years.	Under alternatives C and D this study will be continued using funding provided by the compensatory mitigation fund.
§ 3.2.3 3-52	There is no suitable habitat present within the Proposed Project area for the American white pelican or black tern.	This statement needs to be evaluated in light of routing of Alternatives C and D transmission line.
§ 3.3 3-63	Three prehistoric sites (10CA 298, CM-S-4 and CM-S-10) and one historic site, the SL&I Railroad Grade (10CA 961) remain unevaluated due to insufficient data.	The SL&I Railroad Grade is site 10CA864 rather than 10CA961.
§ 3.5 3-64	The Proposed Project would be located entirely within Cassia County.	The Proposed Project would be located within Cassia and Minidoka Counties.
§ 3.5.2 3-64	The Proposed Project would be located in Cassia County	The Proposed Project would be located in Cassia and Minidoka Counties.

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Letter #66 (continued)



§ 3.5.3 3-74	Known residences within Proposed Project area.	Known residences within the Proposed Project area, including proposed transmission line routings.
§ 3.5.5 3-77	Public Finance and Fiscal Condition.	Text and tables need to be revised to include Minidoka County tax environment.
§ 3.6 Figure 3.6-1 3-83	Figure 3.6-1 Existing Land Ownership	Figure needs to be revised to include existing land ownership along Alternatives B, C and D transmission line, and corrected to remove public inholdings on Cotterel Mountain subsequently acquired by BLM.
§ 3.6 3-85	Within the Proposed Project area, there are approximately 15 ROW and special uses.	With the boundaries of the proposed wind farm on Cotterel Mountain, there are approximately 15 ROW and special uses.
§ 3.6 3-85	Public, state, and private lands surround the Proposed Project area.	Public, state, and private lands are also located within the Proposed Project area.
§ 3.6.2 3-85	Existing Land Use	DEIS should include discussion of land use within Alternatives B, C and D transmission line route.
§ 3.6.3 3-87	... BLM has proposed to amend the plan to allow ROW for wind energy developments in the Cotterel Mountain Management Area.	... BLM has proposed to amend the plan to allow a ROW for a wind energy development in the Cotterel Mountain Management Area.

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Letter #66 (continued)



§ 3.6.4 3-87	The proposed amendment would lift the ROW restriction to the extent that wind energy development would be permitted.	The proposed amendment would lift the ROW restriction to the extent that one wind energy development would be permitted on Cotterel Mountain, with related infrastructure in Management Area 11 of the Cassia RMP.
§ 3.9.3 3-95	All of the Proposed Project area (including access roads) is within the Cassia RMP Management Area 11, which includes VRM Class II, III and IV.	Based on Figure 3.6-2, not all of the Proposed Project area is within the Cassia RMP Management Area 11
§3.10	A site review of the Proposed Project area was found to be free of obvious environmental degradation within the scope of the hazardous substances and petroleum products identified in the CERCLA.	CERCLA expressly exempts petroleum products from its definition of hazardous substances. 42 U.S.C. § 9601(14).
§ 3.11 3-97	The Proposed Project area is located within the Albion Fire Management Unit (FMU) in the BLM Twin Falls District.	The fire management discussion should address how fires will be managed along Alternatives B, C and D transmission line route and risks.
§ 3.11 3-100	Virtually all wildland fires would be actively suppressed except where Wildland Fire Use is determined to achieve resource objectives and where such an activity would not decrease public safety.	Virtually all wildland fires would be actively suppressed except where wildland fire use is determined to achieve resource objectives and where such an activity would not decrease public safety or the wind energy project equipment and infrastructure.
§4.4 4-2	Future Foreseeable Actions	The actions described should be consistent throughout the document. See Executive Summary at ES-30 and ES-31. The discussion in Section 4.4 does not include the Idaho Transportation or Idaho Department of Parks and Recreation projects.

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Letter #66 (continued)



§ 4.5.1 4-3	Any air quality impacts would be related to emissions from vehicles and from fugitive dust associated with construction and operations and maintenance (O&M) activities.	Other potential minor air quality impacts would be caused by construction activities (CO, NOx and particulates) and turbine oil, cooling fluids and grease changes (minor VOCs). These activities are of limited duration and would not have an measurable impact on air quality.
§ 4.5.2 4-4	Geology	Discussion appears limited to construction of wind turbine pads and roads, without discussing impacts from transmission line or other infrastructure construction.
§ 4.5.4 4-7	Water Resources	The impacts of the Proposed Project in the vicinity of the Snake River and Lake Walcott need to be analyzed.
§ 4.5.5 4-9	Noise impacts due to construction are expected to be low during the construction period.	While noise impacts during construction would create the greatest project related noise impacts, the duration of construction noise impacts would be temporary and limited.
§ 4.6 4-10	Biological Resources	The impacts of the Proposed Project along the preferred transmission line route and other project infrastructure need to be analyzed for construction and operational impacts for all alternatives.
Table § 4.6-1 4-12	Table 4.6-1 Permanent and Temporary Impacts to Vegetation (in acres) from the Proposed Project.	This should included Alternative B, C and D transmission line impacts.
§ 4.6.2 4-14	Surrounding area impacts are those that may affect connected or adjacent populations, migrations, habitat use, or "ripples" from local effects.	The surrounding area should be defined in relation to the wind farm and its related transmission interconnect site.
§ 4.6.4 4-28	Construction and Proposed Project operations would be precluded within a one-quarter mile circle around a known golden eagle nest location.	Construction facilities (such as batch plants) and turbine installations will be kept at least ¼ mile from golden eagle nests.

COMMENTS

Letter #66 (continued)



§ 4.6.4 4-29	These three ranges were used based on the findings of the wildlife working group of the NWCC.	These three ranges were used based on the findings of the wildlife working group of the National Wind Coordinating Committee (NWCC).
§ 4.6.4 4-32	As a result, the Proposed Project would require formal consultation under Section 7 of the Endangered Species Act (ESA) of 1973, as amended.	As a result, the Proposed Project requires formal consultation under Section 7 of the Endangered Species Act (ESA) of 1973, as amended.
§ 4.6.4 4-32	The effects under Alternatives C and D would be similar to those of Alternative B.	Under Alternatives C and D, there is only one proposed substation.
§ 4.6.4 4-34	There is no suitable habitat present within the Proposed Project area for American white pelican or black tern . . . However, both species nest on the Minkoka (Minkota??) National Wildlife Refuge and may use the flight space over Cotterel Mountain during feeding or migration flights.	The DEIS should analyze impacts to these species in connection with the construction and operation of Alternative B, C and D transmission line.
§ 4.6.5 4-32	A result of the consultation would be a Biological Opinion issued by the USFWS.	Windland and SWEI suggest that BLM update the text to reflect the current status of the Biological Opinion.
§ 4.9.2 4-43	Construction of the Proposed Project would last approximately eight months, from April through November of 2006.	Construction of the Proposed Project would last approximately eight months.
§ 4.9.2 4-46	Sales and/or use tax revenue on the construction contract would accrue to Cassia County because Cassia County is the location of the Proposed Project construction.	Sales and/or use tax revenue on the construction contract would accrue to Cassia County because Cassia County is the location of the Proposed Project construction. If alternatives C or D are selected, some revenue would accrue to Minidoka County as a portion of the transmission line(s) are located in Minidoka.

RESPONSES

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Letter #66 (continued)



§ 4.9.2 4-46	The Proposed Project operation would be expected to begin in late 2006 or early 2007 . . .	The Proposed Project construction would be expected to begin within one year of the issuance of the Record of Decision.
§ 4.9.2 4-47	The transmission interconnect lines would be turned over to Bonneville Power Administration (BPA) or Raft River Rural Electric.	The transmission interconnect lines may be turned over to Bonneville Power Administration (BPA) or Raft River Rural Electric or other entity. In the immediate term, the lines would be owned by the project company.
§ 4.9.2 4-49	The residents closest to the proposed Project, who would experience much of the temporary impacts of construction, should not be identified as a minority or low-income population.	The residents closest to the proposed Project, who would experience much of the temporary impacts of construction, are not classified as a minority or low-income population.
§ 4.10 4-51	Lands and Realty.	The DEIS should discuss the effect of the Proposed Project on Land Management Plans i.e., need for amendment to expand operations on BLM land covered by Cassia RMP.
§ 4.10.1 4-51	The proposed wind turbines, roads, and ancillary facilities would be located on federal lands under the jurisdiction of the BLM.	The Project would also occupy lands owned by the State and private parties and cross lands controlled by the Bureau of Reclamation.
§ 4.10.4 4-52	Moderate impacts would occur from an overall change in landscape character from a remote to an industrial character . . .	Moderate impacts would occur from an overall change in landscape character to include siting of additional commercial facilities. The area currently has motorized access and multiple commercial facilities located on-site (communications towers) and numerous range improvements. It therefore should not be characterized as remote. The land use impacts are mostly reversible.

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§ 4.11 4-52	Recreation.	Impacts from transmission lines should be discussed. Presumably ROS doesn't apply off federal lands.
§ 4.11 4-52	None.	The current ROS classification on Cotterel Mountain is semi-primitive motorized.
§ 4.11.2 4-53	The Proposed Project would alter the aesthetic sense of Cotterel Mountain as a rural, undeveloped recreational area.	The Proposed Project would alter the aesthetic sense of Cotterel Mountain as a rural, relatively undeveloped recreational area. There are 7 communications towers on-site.
§ 4.13 4-56	Visual Resources	Visual impacts from substation, trenching, road construction, and meteorological towers should be discussed, including the differences in impacts between Alternatives B and the relatively lower impacts from C and D.
§ 4.13.3 4-60	Alternative B calls for the expansion of the O&M Building at the junction of SH-77 and the proposed South Access Road.	Alternatives B, C and D call for the construction of an O&M building near the junction of SH-77 and the proposed south access route. No O&M building currently exists.
§ 4.13.3 4-61	The majority of the eastern transmission interconnect line would be parallel to the existing Raft River Transmission line and match it, in both height and form.	The eastern transmission interconnect line in Alternative B would connect to the existing Raft River Transmission line and match it, in both height and form.
§ 4.13.6 4-63	As discussed in chapter 2, it is anticipated that the Federal Aviation Administration (FAA) required lighting would consist of medium-intensity white lights flashing during daylight and twilight hours . . .	Please see comments above relating to anticipated release of new FAA lighting circular. With FAA approval, it is likely that lights will not be required on every turbine, thereby reducing potential lighting impacts.
§ 4.14 4-64 4-65	Hazardous Materials.	DEIS should discuss potential impacts during operation of the project.

COMMENTSRESPONSES

Letter #66 (continued)



§ 4.14 4-64	Information obtained during site observations, along with a review of regulatory agency data indicates there are no hazardous substances within the Proposed Project area.	Information obtained during site observations, along with a review of regulatory agency data indicates there are no hazardous substances currently used, stored or disposed of within the Proposed Project area. Chevron Pipeline Company has a ROW and special permit for a buried liquid petroleum pipeline [on Cotterel Mountain.] As noted above, petroleum is not regulated under CERCLA.
5.D 5-1	However, a variety of other organizations, agencies and people maintain an interest in the area or use the area for specific purposes.	Minidoka County and the Bureau of Reclamation should be added to the list of interested parties.
5.1.2	None.	The DEIS should discuss consultation activities with Minidoka County since a portion of the transmission line is located there.
App. C C-12	The agencies responsible for contingency plans in southern Idaho shall be among the first to be notified in the event of any pipeline system failure resulting in a spill of oil or other pollutant.	The agencies responsible for contingency plans in southern Idaho shall be among the first to be notified in the event of any transformer failure resulting in a spill of oil or other pollutant.
App. C C-13	The holder ... shall submit for the authorized officer's review a technical report addressing criteria and methodology of how the proposed facility will be located and designed to meet said standards [federal, state, and local emission standards for air quality].	The DEIS concluded that the Proposed Project would result in minimal air quality impacts. The Applicant believes a technical report is unnecessary for this project but would be pleased to submit its air quality permit application (rock crusher and generators) for review by the Authorized Officer prior to submission to the State for approval.

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Letter #67

RESPONSES

United States Department of the Interior
FISH AND WILDLIFE SERVICE

Snake River Fish and Wildlife Service
1387 S. Vinell Way, Room 368
Boise, Idaho 83709
Telephone: (208) 378-5243
<http://idahoES.fws.gov>



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Memorandum

To: Field Manager, Burley Field Office, Twin Falls District, Bureau of Land Management, Burley, Idaho
(Attention: Scott Barker)

From: Field Supervisor, Snake River Fish and Wildlife Office, Fish and Wildlife Service, Boise, Idaho *[Signature]*

Subject: Cottrell Mountain Wind Power Project, Draft Environmental Impact Statement -- Comments
File #1006.1000 OALS #05-618

The Fish and Wildlife Service (Service) has reviewed the Bureau of Land Management's (Bureau) Cottrell Mountain Wind Power Project (Project) Draft Environmental Impact Statement (DEIS), received on June 20, 2005. The following comments are offered for your use and consideration, and are provided under the provisions of the Endangered Species Act of 1973 (ESA), as amended, the Bald and Golden Eagle Protection Act of 1943 (BGEPA), as amended, the Migratory Bird Treaty Act of 1918 (MBTA), as amended, and the National Environmental Policy Act of 1969 (NEPA). Previous comments on the Preliminary DEIS were submitted by the Service on April 19, 2005. We offer these comments in the spirit of coordination as a cooperating agency, and we are available to discuss our comments in more detail if requested.

General Comments

The Service supports the development of wind power as an alternative energy source and appreciates the opportunity to be a cooperating agency with the Bureau on this project. In terms of assessing potential effects, wind power projects can have a negative effect on wildlife depending upon siting, design, and subsequent development and operation of an individual facility. There are two main effect pathways: 1) bird and bat collisions within the rotor-swept area of each turbine; and, 2) habitat fragmentation/avoidance by a broad array of species due to turbine and infrastructure construction, operation, and maintenance. The potential for collisions (as well as habitat avoidance effects) is affected by many factors, but site selection appears to be the most important.

Through this letter, the Service is highlighting how the analysis as described in the DEIS can be strengthened, and provide you guidance regarding the permitting aspects of wind energy facilities, along with the requirements and prohibitions of the Federal wildlife

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Letter #67 (continued)

laws applicable to wind energy development. These laws include the ESA, MBTA, and BGEPA. Additionally, under our NEPA authorities and as a cooperating agency, we address other natural resource and policy issues regarding the adequacy of the DEIS. We provide this information to assist you in making an informed decision regarding site selection and project design, and to ensure that natural resource issues are adequately addressed. Many of the following subheadings are interrelated to one another and should be considered concurrently.

Specific CommentsAdequacy of the Range of Alternatives

In September of 2004, an interagency policy group met to discuss the Cotterel Mountain project. At that meeting, we discussed the importance of an adequate range of Alternatives to address significant project-related issues, and at that time expressed concerns about the initial scope of Alternatives. The Service is concerned that none of the action Alternatives (or those eliminated from detailed study) described in the DEIS fully address the significant issue of migratory birds and deaths associated with bird/turbine collisions (see page I-11 in the DEIS and related discussion points below in the MBTA, Adaptive Management, and Monitoring sections).

To address the Service's concern that none of the Alternatives included provisions for seasonal shut downs or turbine removal based on effects to avian species, the DEIS notes the Bureau's willingness to implement adaptive management strategies. The Service recommends more detailed information be included in the Final EIS (FEIS) on the types of adaptive management strategies the Bureau considers implementable. The DEIS references such strategies as operational changes of turbines and timing stipulations during construction, and states that these strategies are addressed in Appendix D (page ES-8 and 9 of the DEIS). Yet discussion of adaptive management is lacking in Appendix D. We recognize the discussion in Appendix D related to monitoring and the identification of "hot spots" (where bird and/or bat mortality is in excess of what is predicted) is meant to touch upon adaptive management (page D-2); however, no management actions are being recommended. The DEIS states that should "hot spots" be identified, monitoring would be extended for a period recommended by the technical steering committee. While monitoring is a necessary tool, the Service recommends attaching management strategies (such as turbine shut-down if "hot spots" are identified) to the monitoring in order to minimize or mitigate impacts. As such, the management response to "hot spots" should be more clearly described in the FEIS in terms of "if 'X' condition exists, then 'Y' management action will take place" to minimize or mitigate identified impacts.

It appears sufficient opportunity exists in the DEIS to address migratory bird effects in the development of alternatives while remaining consistent with the "economic" and "technically feasible" sideboards of the regulations implementing NEPA. The discussion of Alternative D in the DEIS (Section 2.6, page 2-36) states 66 1.5 MW turbines would be necessary for an economically viable project. In the Preliminary DEIS, it is stated that 70 2.0 MW turbines would be necessary for an economically viable project (Section 2.5,

RESPONSES

- A. The adaptive management discussion in Section 2.5.4 (page 2-33) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.
- B. The BLM believes that the discussion of the economic feasibility of Alternative E is adequate as described in Section 2.7.1 (page 2-41 through 2-42) of the Draft EIS. A fair comparison of the economic feasibility between Alternative D and Alternative E should use wind turbines of the same generating capacity.
- C. As stated above, the adaptive management discussion in Section 2.5.4 (page 2-33 through 2-36) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

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page 2-30). Given the difference between these two draft documents (41 MWs), and not knowing the criteria used by the Applicant to establish project viability parameters, it is not clear why Alternative E (providing enhanced sage grouse protection) is not economically feasible. Alternative E, using up to 49 2.0 MW turbines would yield a similar production potential as 66 1.5 MW turbines suggested in Alternative D. The Service suggests the Bureau fully explain the minimum requirements necessary for an economically feasible project and to clearly explain why Alternative E does not fall into that category.

Given the economic threshold for a viable operation (whether it is a 140 MW project or 99 MW project), Alternatives B (with 130 turbines), C (with up to 98 turbines), and D (with up to 82 turbines), should provide opportunity to address migratory bird issues by implementing mitigation measures designed to address bird deaths (e.g., adjusting operations at an undetermined number of turbines when conditions warrant). At a minimum, one Alternative should "thoroughly and objectively explore" the mitigation necessary to address MBTA issues. Without such an Alternative, the significant issue of migratory bird kills is largely not addressed within the action Alternatives in the DEIS. By including mitigation measures for MBTA issues, the analysis of environmental effects would disclose the effectiveness of mitigation measures in reducing bird kills, as well as tradeoffs, such as cost.

The Service acknowledges that turbine numbers are shown to decrease in each successive Alternative, and that this decrease may proportionately reduce the likelihood of bird collisions. This reduction in turbine numbers does not fully address the significant issue of migratory bird deaths (it addresses sage grouse issues in Alternatives E and F) and does not take into account potential new information which may be gleaned from any post-implementation monitoring studies that would be ongoing. Adaptive management that can include adjustment of operations in light of new information is vital to reducing potential negative effects. None of the action Alternatives provide a means to mitigate bird deaths subsequent to project implementation and operation of the turbines. Bird deaths associated with the operation of turbines is reasonably certain to occur, and the technology exists to adjust operations to mitigate effects. As such, one or more action alternatives should incorporate these measures and disclose environmental and economic effects.

MBTA and BGEPA

The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of Interior (16 USC §703). Under the MBTA, the unauthorized taking of even one migratory bird is legally considered "take" and is technically a violation. Bald and golden eagles are covered by the MBTA but are afforded additional legal protection under the BGEPA. Unlike the ESA, neither the MBTA nor its implementing regulations (50 CFR Part 21) provide for a permit allowing the "incidental take" of migratory birds that may be killed or injured by otherwise lawful activities such as wind energy development.

D. Monitoring to determine changing environmental conditions as compared to baseline survey information is described in Section 2.5.4 of the Draft EIS (Page 2-33) and in Appendix D. A detailed on-site monitoring protocol will be developed and included as a section of the Project Plan of Development. Further, additional monitoring protocols will be developed by the technical steering committee that will be formed as described in Section 2.5.4 of the Draft EIS (Page 2-36). Monitoring to determine the efficacy of any off-site mitigation will be developed and implemented by the technical Steering Committee.

Effectiveness of various tower lighting scenarios in reducing bird and bat collisions with turbines and the influence of weather patterns and conditions on the susceptibility of birds and bats to turbine collisions would be determined through the implementation of the fatality monitoring program described in Appendix D. Although turbine blade coloration schemes were not described in Appendix D as a potential mitigation, they could be implemented through adaptive management if it could be shown that such measures would be effective at reducing bird or bat collisions with turbines.

COMMENTS

Letter #67 (continued)

While the MBTA has no provisions for allowing unauthorized take, the Service recognizes that some birds may be killed at structures such as wind turbines. Such mortality already has been recognized by the Bureau and the project proponent, as is pointed out in Table 4.6-6 of the DEIS (estimated annual fatality ranges, by Alternative, for birds and bats at the Cotterel Mountain Wind Project).

The Service's Office of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate or minimize their effects on migratory birds. While it is not possible to absolve individuals, companies, or agencies (e.g., the Bureau, acting as the permitting agency for this project) from liability if a violation of the MBTA occurs, the Office of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals, companies, or agencies who have made good faith efforts to avoid the take of migratory birds. Within the MBTA, there are no bird death thresholds that have been identified to determine when or where Law Enforcement will pursue a violation, thus, a single bird death is considered a violation. As such, the Service's Office of Law Enforcement is not able to predict the level of discretion that will be implemented should violations occur under the MBTA or BGEPA.

Pro-active conservation measures fully addressing MBTA issues are lacking in the DEIS. Recent data at other wind energy sites across the country (including the Altamont and Stateline sites) have identified "problem turbines" that often cause the majority of bird and bat mortalities. To alleviate these effects, measures such as shutting down problem turbines during critical migration periods or low cloud ceilings, etc., have been considered. These measures are technically feasible. Consideration of such actions represents a proactive approach toward adaptively managing wind energy sites in order to comply with the MBTA and BGEPA. It is unclear whether the preparers of the DEIS are unaware of the conservation opportunities inherent in such measures or have considered them but opted not to address them through this NEPA analysis. The Service recommends these measures be fully described and analyzed in the document within one or more action Alternative or Appendix D (Best Management Practices Specific to Wildlife) when reference is made of an adaptive management strategy.

Adaptive Management

During meetings held by the Interagency Wind Energy Task Team (IWETT), a team founded at the September 2004 policy meeting to provide technical guidance for project and EIS development, there were attempts made to outline an Adaptive Management Plan that would provide opportunity and direction for the proponent and the Bureau to mitigate any expected or unanticipated effects. Unanticipated effects and an enhanced understanding of expected effects were to be revealed through effectiveness monitoring geared specifically to determine the type and extent of mitigation that would be necessary and reasonable under an adaptive management approach.

While the IWETT did not have sufficient time to finish the Adaptive Management Plan, many ideas were drafted as a starting point. The Service recommends that an adaptive

RESPONSES

E. Section 3.2.3 of the Draft EIS has been modified in the Final EIS to include a more detailed description of the Globally Important Bird Area.

F. The Service stated in their comments that the north-south corridor is currently fragmented by the interstate highway, powerlines, farmland, and large crested wheatgrass mono-cultures. The area is also fragmented by Lake Waleott and increasing rural residential development. As a result the area between the north end of Cotterel Mountain and Lake Waleott, a distance of over 9 miles does not support any usable sage-grouse habitat. Furthermore, radio telemetry studies conducted on the Cotterel Mountain sage-grouse population by the Applicant did not show any movement of sage-grouse from Cotterel Mountain to the north. All sage-grouse movement was either to the west, south, or southeast. Finally, no studies have been conducted that show this assumed corridor is used by sage-grouse or other species.

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management strategy be incorporated into all action Alternatives to proactively address responsibilities under the MBTA and BOEPA, and that this strategy be specifically outlined. The strategy may include, but not be limited to, the following technically feasible actions: seasonal or permanent shut-downs during certain times of the year (migration, low cloud ceilings, etc.) for individual turbines implicated (through appropriately designed and implemented monitoring) as being significant sources of bird and bat mortality; changes in color scheme of turbines and turbines blades (e.g., Hodo scheme); altering lighting schemes based on research that indicates that certain schemes are less attractive than others, etc. Such a strategy, along with suitable implementation guidance, would proactively address potential effects to birds and bats and provide the opportunity to apply appropriate on-site mitigation. Plan components drafted by the IWETT can be gleaned from meeting notes taken by the consultant and would be useful in developing the Adaptive Management Plan.

Although bats do not fall under the MBTA, and no listed bats are known to occur in the project area, this group, notably during migration, has been shown to be highly vulnerable to wind turbines. Very little is known about bats specifically in the Cotterel Mountain area, and generally regarding the significance of concern for effects related to wind energy facilities in the west. However, this type of an adaptive management strategy is wholly compatible with bat conservation, and because bats remain a species of high conservation concern, they should be addressed to a greater extent.

Monitoring

Whether or not an adaptive management strategy is implemented for the Project, monitoring by the Bureau and the proponent is necessary at a minimum to measure implementation consistency with the action as described (i.e., was the action implemented as designed?). Of greater value is the measure of effectiveness for any conservation measures that may be implemented, and the opportunity to gain valuable information on effects to species (and to improve the "science" on this topic) via an appropriately designed monitoring program (i.e., were the measures effective at achieving desired outcomes?). A comprehensive monitoring plan should be described in detail. The DEIS only briefly mentions monitoring (Appendix D), and only generically describes its application in the description of the Alternatives. The potential negative effects from this particular development warrant a substantially more detailed monitoring strategy, and we recommend that such a strategy be identified and fully described in the FEIS. We recommend a full description of the monitoring program and suggest the Avian and Bat Monitoring Plan for the Judith Gap Windfarm be used as a template (Erickson and Hazlewood 2004). Information that can be gleaned from the Judith Gap Plan for which the Service recommends including in a monitoring plan for the Cotterel Mountain site include: specifics of the delineation of carcass search plots, timing of searches, searcher efficiency trials, carcass removal trials, and data handling and statistical analysis. Additionally, the monitoring plan should include raptor nest studies to document and monitor active ferruginous hawk and golden eagle nests within 2 miles of the wind turbines, as described in the Judith Gap plan. This information will aid in understanding whether operation of the facility results in a reduction of nesting activity or

RESPONSES

G. The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area maybe further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

COMMENTS

Letter #67 (continued)

nesting success. Additional reference is made to monitoring in the Compensatory/Off-Site Mitigation section (page 2-33), but details are lacking and should be provided. Monitoring was a large component of the adaptive management strategy that was under consideration by the IWETT. Discussions on this topic included the establishment of a "technical team" to review and make recommendations of appropriate mitigation based on monitoring results. This technical team was also intended to provide input into the type of monitoring that would be necessary and appropriate to glean useful information from a natural resource and industry perspective. Because the DEIS lacks details about a monitoring program, and there is little information specifying an adaptive management strategy, the Service can not assess the adequacy of the DEIS regarding monitoring relative to wildlife concerns that have been identified.

Other monitoring efforts that would prove useful and that should be discussed include the efficacy of any shrub-steppe habitat rehabilitation efforts in attracting displaced wildlife, the effectiveness of various tower lighting scenarios and blade color schemes in reducing bird and bat collisions with towers, and the influence of weather patterns and conditions on the susceptibility of birds and bats to tower collisions. It is important to note that monitoring results are most useful when operational changes can be made, through adaptive management, to address the potential resource issues. If operational changes are not part of this proposal, then monitoring results are only useful for future developments. There is marginal value when monitoring is merely used to acknowledge what is already expected or known (e.g., wind facilities cause bird and bat deaths). The monitoring program should address and further minimize negative effects resulting from the development and operation of this particular facility. An effective monitoring program will also provide information for new facilities that can be used to "front-end-load" promising or proven conservation measures.

Raptors

The Raft River and Curlew Valleys were designated by the National Audubon Society and American Bird Conservancy in 1997 as an "Idaho Important Bird Area" and a "Globally Important Bird Area" (GIBA) for the ferruginous hawk (*Buteo regalis*) due to the large nesting populations found within the area. The greater Cottrel Mountain area is contained within this GIBA and has been recognized by Bureau staff as having the greatest diversity of nesting migratory raptors on public lands managed by the Burley Field Office. As such, a more detailed description of this area and its relative importance to all raptors should be developed to fully disclose potential effects. Additionally, because these raptors are migratory, their relevance to the above discussions on the MBTA and Adaptive Management should be noted. Ferruginous hawks are on the USFWS 2002 Birds of Conservation Concern list at the National, Regional, and Bird Conservation Region scales (FWS 2002) and as such are a priority species for conservation activities.

Sage Grouse

Although recent Service decisions (70 FR 2244, January 12, 2005) have determined that sage grouse (*Centrocercus urophasianus*) are not warranted for listing, they remain a bird of high conservation concern for the Bureau and the Service. The 2002 sage grouse

RESPONSES

Additional guidance is provided by Instruction Memorandum 2003-020 which states that "The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance." When this ROW guideline was applied to Windland's ROW application an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

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habitat planning map for the state of Idaho outlines key sage grouse habitat and potential restoration areas. Upon review of this map and the Conservation Assessment of Greater Sage Grouse and Sagebrush Habitats (Connelly et al. 2004), it is clear that the Cottrel Mountain area, combined with nearby Bureau lands and Service Refuge lands, is the last remaining north/south corridor of connectivity for greater sage-grouse across some 280 miles of the main Snake River and its tributaries (including the South Fork and Henry's Fork of the Snake River). This corridor may serve as a migratory link for sage grouse to ensure genetic exchange between northern and southern populations along the Snake River Plain. This site may also serve as an important north/south corridor for sharp-tailed grouse, a variety of big game and non-game mammals, reptiles, amphibians, and numerous migratory birds. The DEIS should fully describe this information in Chapter 3, Affected Environment, and evaluate potential effects of Alternatives in Chapter 4, Environmental Consequences.

While the Service acknowledges that this area is currently fragmented by the interstate highway, powerlines, farmed habitat, and large crested wheatgrass mono-cultures, potential effects to sage grouse and their habitat due to Project implementation may further decrease the value and utility of this potential corridor. The loss of habitat on Cottrel Mountain, and any associated effects with the local sage grouse meta-population or its use of the area, would only serve to exacerbate the problems already occurring in this corridor, and may push the integrity of the north/south corridor beyond restoration potential and render this area unsuitable by sage grouse and potentially other species (e.g. sharp-tailed grouse). Although currently this corridor may not be heavily used by sage grouse, to remove the potential for future use may be foregoing a conservation opportunity for this species. Restoring a contiguous north-south shrub-steppe habitat corridor in this area would be more readily achievable than elsewhere along the Snake River; this opportunity should be addressed in Chapter 4, Environmental Consequences.

Mitigation

During several IWETT meetings, team discussions centered on potential mitigation opportunities for the area surrounding the Cottrel Mountains, including the north/south corridor. The IWETT reached consensus on the appropriate types of mitigation (e.g., land acquisition, juniper control, shrub-steppe habitat restoration, etc.) necessary to address the anticipated effects of the Project. These mitigation details have not been described in sufficient detail in the DEIS. Rather, the DEIS noted that approximately \$150,000 per year would be paid annually by the proponent to establish a compensatory mitigation fund.

The Service is concerned that \$150,000 may be insufficient to adequately address and cover anticipated mitigation needs of this wind energy project depending upon how this fund is managed. On December 21, 2004, a sub-group of the IWETT met and recommended that monitoring (including fatality monitoring, avoidance monitoring, nest abandonment monitoring, etc.) and the continued sage grouse telemetry work should be included in construction and operation costs at the beginning of the project and not taken from any compensatory mitigation fund. The Service supports this approach so that funds dedicated to compensatory mitigation are used only for that purpose.

RESPONSES

The area assessed for potential impacts from construction and operation of the proposed project varied by each resource. For example in the Draft EIS the BLM assumed that sage-grouse could be displaced from their habitat within 1.8 miles of the proposed project. However, the Proposed Project area boundary used in determining on-site mitigation needs was determined, as described above, and is limited to the 4,545 acres of Windland's ROW application.

Since mitigation may only be required of the Applicant within the Proposed Project area, BLM was limited to the BMP, ongoing sage-grouse monitoring and post construction fatality monitoring, and adaptive management described in Chapter 2, Section 2.5.4 and appendix C and D of the Draft EIS. The adaptive management as described in Section 2.5.4 (page 2-33) is being revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

COMMENTS

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The DEIS should expand its discussion on the types of mitigation that could be carried out, and the appropriate funding authority under which such actions would fall. The current mitigation package should be further described to include opportunities such as the potential purchase of off-site land for rehabilitation of habitat lost (either directly or through habitat avoidance) due to project construction and operation, alterations in grazing management both on- and off-site in order to enhance habitat restoration opportunities, and the continuation and expansion of sage grouse telemetry studies to research the effects of this project on sage grouse. Regarding the funding authorities of such actions, the DEIS should clearly outline whether such actions would be attached as terms and conditions of the right-of-way application, or whether the expectation is that it come from the compensatory mitigation fund. Within this context, the adequacy of the \$150,000 voluntary annual contribution can be appropriately addressed.

As stated on page 2-33 of the DEIS, "For the purposes of this analysis, on-site is defined as the "footprint" of the Proposed Project, or the area granted in the ROW. Off-site is anything outside of that area." At the March 29, 2005 IWETT meeting, in-depth discussions were conducted regarding the scope of effects, and defining what constitutes on-site versus off-site mitigation. Further clarification of this matter should be provided in the DEIS, notably as it relates to the above discussion on mitigation attached to the permit or associated with the compensatory mitigation fund. We believe the Bureau should reevaluate their definition of "on-site" to encompass the area where grouse may be directly affected by the development of the Cottrel Mountain facility, not only in terms of habitat lost/alterd, but also in terms of potential decreases in habitat utility. Behavioral responses by sage grouse to construction and operation of the facility may preclude the use of available shrub-steppe habitat by grouse even though the vegetation may still be considered suitable. The area identified in Figure 2.3-2 does not consider the full range of effects to sage grouse. According to the Guidelines to Manage Sage Grouse Populations and their Habitats (Connelly et al. 2000), energy-related facilities should be located > 3.2 km from active leks whenever possible. This 3.2 km (or roughly 2 miles) is intended to protect the lekking habitat, as well as the breeding and nesting habitat of non-migratory grouse. This "zone of protection" should be considered a "zone of influence" from the facility. That is, when referring to on-site effects, an area within the "zone of influence", or an area within 3.2 km of leks, should be considered on-site habitat. As such, mitigation, and funds attached to monitoring or mitigation, should be applied accordingly.

Related to this discussion, on page 2-33, section 2.5.4., the first paragraph states *required* monitoring would include on-site sage grouse lek studies. The following paragraph (starting "Under Alternative C...") states that the compensatory mitigation fund would go towards off-site lek studies, continuing sage grouse telemetry studies, and sage grouse nesting and wintering studies. The Bureau should provide more clarity as to what they consider on- and off-site affects, and articulate whether these on- or off-site affects will be covered through the stipulations tied to the ROW grant, or through the compensatory mitigation fund.

RESPONSES

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures recommended by the IWETT fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in USFWS comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering comity described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager.

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Cumulative Effects

According to information obtained from the Idaho Wind Energy Working Group, there are currently 4 existing wind projects (totaling 10.9 MW) operating in southern Idaho. Additionally, there are another 15 projects of varying sizes (totaling 1,264 MW) proposed for southern Idaho. We recommend the Bureau clearly define their use of the term "cumulative", and describe how it links to compensatory and additive mortality resulting from the development of this facility, others that are currently in operation, and additional facilities that are currently in the planning phases.

Existing Guidance

On May 13, 2003 the Service issued Interim Guidance on Avoiding and Minimizing Effects to Wildlife from Wind Turbines (Guidance). Further clarification on implementation of the Guidance was provided on April 6, 2004, and a peer-reviewed briefing paper providing Service justification for a 5-mile buffer from flocks (as identified in the Guidance) was subsequently released on July 30, 2004 (Manville 2004). The guidance package is intended to assist the wind energy industry (and those agencies permitting wind energy facilities) in avoiding or minimizing effects to wildlife and their habitats. This is accomplished through: (1) proper evaluation of potential wind resource areas (WRAs), (2) proper location and design of turbines and associated structures within WRAs selected for development, and (3) pre- and post- construction research and monitoring to identify and/or assess effects to wildlife. The Guidance is considered voluntary and interim in nature, but it is based on current science and will be updated as new information becomes available. As such, the Guidance is currently considered by the Service to be the best available information on this topic.

We recommend that the DEIS refer to the Guidance, incorporate this information as appropriate in Appendix D (Best Management Practices Specific to Wildlife), and that Alternatives be comparatively evaluated against this Guidance. Further, where the project deviates from the Guidance, an explanation of why this deviation is important to maintaining the feasibility of the project should be included. Deviations may occur based on new scientific or technological information, site-specific resource information, socioeconomic concerns, etc. Such an analysis and discussion would provide an evaluation tool for the decision-maker to use in weighing the beneficial aspects of wind energy development versus the potentially adverse impacts to wildlife resources. The analysis should also expand on the following points:

- Data on wildlife use and mortality collected at one wind energy facility are not necessarily applicable to others; each site poses its own set of possibilities for negative effects on wildlife. There may be limited application of existing data collected at other facilities as few studies have occurred in an area similar in resource value as the Cotterel Mountains. Additionally, significant data gaps remain regarding wildlife use at this site, and using data from other sites may not provide an adequate representation of the resource risks inherent at Cotterel Mountain.
- The wind industry is rapidly expanding into habitats and regions that have not been well studied regarding (e.g., the Cotterel Mountains). "Industry Standards" may not be appropriate at the Cotterel Mountain facility because of the unique

RESPONSES

- H. Section 2.5.4 (Page 2-33) of the Draft EIS has been revised in the Final EIS to clarify potential elements of the compensatory mitigation fund.
- I. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS
- J. The BLM Field Office, District Office, State Office, and Washington Office managers and technical staff met several times with their USFWS counterparts regarding the Guidelines, including hosting their USFWS counterparts and Dr. Benjamin Tuggle, to the proposed project site. In the interim BLM has formally adopted its 1) Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States and 2) Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy. It is the understanding of the BLM that the USFWS withdrew its interim Guidance as announced on September 29, 2005 at an American Wind Energy Association Meeting in La Quinta, California.

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geographic and biological resources present. This facility and any potential impacts to the effected resources should, where appropriate and feasible, be considered independently of existing facilities.

In addition, as an appendix to the Service's Guidance, there is a Protocol to Rank Potential Terrestrial Wind Energy Development Sites by Impacts on Wildlife. During August 2005 biologists from both the Service and the Idaho Department of Fish and Game conducted a site assessment at numerous sites, including the Cottarel Mountain site, per the Service's Guidelines. The Service acknowledges that the site assessments were completed too late to include in the DEIS, and that information gathered at the site has limited application at this time. However, the Service recommends that the Bureau work with us to review the critical elements identified in the assessment, and to determine its utility for this and future wind energy proposals.

There are other guidelines available that would assist the Bureau in developing alternatives and analyzing effects. These include the Idaho Sage Grouse Management Plan (1997), Connelly's Guidelines to Manage Sage Grouse Populations and their Habitats (2000), the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002), and the National Wind Coordination Committee's Handbook on the Permitting of Wind Energy Facilities (2002). Further, the Bureau should more completely describe this project in the context of their National Sage-Grouse Habitat Conservation Strategy (USDI 2004) and the Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (USDI 2005). The following excerpts directly relate to much of the discussion in this letter; italicized text has been added to emphasize issues of particular importance to the Service.

National Sage-Grouse Habitat Conservation Strategy. Guidance for the Management for Sagebrush Plant Communities for Sage-Grouse Conservation (USDI 2004).

- Base management decisions on monitoring and/or other appropriate information that provides plant and soil response with respect to land uses, development impacts, weather, wildlife use, insects and other environmental factors.

Monitoring should be implemented and results should be applied in an adaptive management process to adjust maintenance strategies or treatments on similar projects conducted in the future. Appropriate spatial scales should be considered when developing monitoring strategies. (Page 13) – Monitoring and adaptive management strategies should be provided in greater detail.

- *Explore the use of conservation easements and the acquisition (through purchase, donation or exchange) of valuable sagebrush habitat, to maintain, replace or increase habitat. Any BLM program can purchase conservation easements. Federal Land Transition Facilitation Act (Baca II) and Land and Water Conservation Funds can be used to acquire both fee-title and conservation easements. (Page 14) – A strategy for considering off-site mitigation should be further developed and outlined such that the potential success of mitigation can be compared to the "cost" of implementing any mitigation action.*

RESPONSES

K. The full title and date of this document is "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy 1.4.1 Guidance for the Management of Sagebrush Plant Communities for Sage-Grouse Conservation," U.S. Department of the Interior November 2004. The first comment refers to page 13 paragraph a) under 6) Suggested Management Practices (SMPs). This is only one of three documents contained in the agency's Suggested Management strategies by Instructional Memorandum NO. 2005-024. The other two documents are titled "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy" U.S. Department of the Interior November 2004 and "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy 1.3.1 Guidance for Addressing Sagebrush Habitat Conservation in BLM Land Use Plans," U.S. Department of the Interior November 2004.

L. Thank you. BLM is working with its partners on an appropriate adaptive management strategy.

M. Thank you. We are exploring this.

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- Focus project design and approval on avoiding or minimizing habitat degradation, or restoring areas that have been degraded (on-site mitigation). *Measures to mitigate impacts at off-site locations could be considered to offset unavoidable sage-grouse habitat alteration and losses.* Mitigation could also be used to offset sage-grouse habitat loss that is not a result of human activities. The effects of fragmentation and habitat loss should be weighed against the value of mitigation. Mitigation cannot always replace the quality or location of crucial habitat. BLM's authority to require off-site mitigation is limited. However, mitigation on a case-by-case basis may be implemented or negotiated with willing project proponents. Mitigation actions should be considered in the following priority: 1) replacing habitats with similar habitats (in-kind/off-site mitigation), and 2) replacing habitats with other appropriate habitats, when similar habitats are not available (out-of-kind/off-site mitigation). Mitigation should occur within or adjacent to occupied or restored habitats. Off-site mitigation should eliminate, reduce, or directly alleviate impacts to sage-grouse habitat. (Page 15) – **A strategy for considering off-site mitigation should be further developed and outlined such that the potential success of mitigation can be compared to the "cost" of implementing any mitigation action.**
- Avoid the impact of construction and operations by not placing mines, oil and gas and geothermal drilling sites and facilities, roads, and mineral material disposal sites in or next to sensitive habitats such as sage-grouse leks, nesting, early brood-rearing, breeding, and wintering habitat. *When habitat loss cannot be avoided, stipulations, conditions of approval, or mitigating measures should be developed to reduce impacts on sage-grouse habitats.* (Page 15) – **In addition to addressing the above considerations, we suggest addressing areas where use by sage grouse is decreased because of avoidance responses. Habitat may otherwise still be intact, but if rendered unusable by sage grouse, mitigation would be appropriate.**
- Whenever feasible and environmentally preferred, avoid surface occupancy by roads, livestock management facilities, well pads, powerlines, fences, or other structures adjacent to occupied leks, i.e., those leks attended by 2 or more males in at least 2 of the previous 5 years (Connelly et al. 2000). Protection of sage-grouse leks from disturbance during mating season is important for successful reproduction. Reproductive success is increased by minimizing disturbances to habitat when constructing, improving or maintaining roads. Signage, including OHV designations, identifying and/or protecting sensitive areas should be considered. Dust abatement measures should be employed. (Page 16) – **Greater detail should be provided to address why this guidance is not feasible. Locate or construct facilities such as oil and gas compressor stations so that the noise from the station does not disturb grouse activities at the lek. Installing mufflers and baffle panels, berm the station (where invasive weeds are not an issue), or placing restrictions on how close these facilities can be located to leks, nesting and early brood-rearing habitat should be considered. New recreational facilities such as campgrounds should also be located so that the noise does not disturb grouse activities at the lek. Construction and/or maintenance should be scheduled to minimize conflicts with any known leks. Sage-grouse are sensitive**

N. Thank you. Your suggestion will be considered in the Plan of Development.

O. Thank you. Your suggestion will be considered in the Plan of Development.

P. Thank you. Your suggestion will be considered in the Plan of Development.

Q. Thank you. Your suggestion will be considered in the Plan of Development.

R. Thank you. We are exploring this as we learn from ecological and biological monitoring, surveys and inventory information, and about the dynamics of populations.

COMMENTS

Letter #67 (continued)

to noise levels from all activities during early evening and morning hours when strutting occurs during March and April, so actions to reduce noise levels during these periods should be taken. (Page 16) **Potential impacts should be addressed, including any occurring outside of the March to April time period, and appropriate mitigation or monitoring should be applied.**

- *Design wind energy facilities to reduce habitat fragmentation and mortality to sage-grouse.* Tubular tower designs to reduce raptor perches and noise reduction to minimize disturbance to nesting birds are encouraged. Design criteria for these projects should include minimizing the facility footprint (including the road network required to service the generators) in sage-grouse habitat. Best Management Practices (BMP) for wind energy are currently being developed in the Wind Energy Programmatic Environmental Impact Statement. *The BMPs that address the conservation of sage-grouse and their habitat are adopted by reference.* (Page 20) – **The action alternatives should incorporate design features that minimize fragmentation of habitat or mortality to sage grouse to the minimum extent possible.**

Identify the initial amount and location of low quality or lost habitat that should undergo restoration during the life of the plan and initiate restoration using the following criteria for prioritization:

- Reconnect occupied habitats.
Enlarge occupied habitats.
Reconnect stronghold populations with isolated populations.
Reconnect isolated populations. (Page 26) – **Information regarding potential mitigation sites and opportunities should be more fully described in the FEIS.**

Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (USDI 2005).

- *The BLM will incorporate management goals and objectives specific to habitat conservation for species of concern (e.g., sage-grouse), as appropriate, into the POD for proposed wind energy projects.* (Page 2-9) – **Habitat conservation measures should be fully described in the action alternatives for the FEIS.**
- *The BLM's proposed Wind Energy Development Program will incorporate adaptive management strategies to ensure that potential adverse impacts of wind energy development are avoided (if possible), minimized, or mitigated to acceptable levels.* The programmatic policies and BMPs will be updated and revised as new data regarding the impacts of wind power projects become available. *At the project-level, operators will be required to develop monitoring programs to evaluate the environmental conditions at the site through all phases of development, to establish metrics against which monitoring observations can be measured, to identify potential mitigation measures, and to establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and project-specific stipulations.* (Page 2-9) – **The adaptive management strategy in the DEIS is not fully developed. The FEIS should include a detailed, implementable adaptive management**

RESPONSES

- S. The BLM's Final Programmatic Environmental Impact Statement (FPEIS) on Wind Energy Development on BLM-Administered Lands in the Western United States, Volumes I, II and III," U.S. Department of the Interior Bureau of Land Management was published in June 2005 one month after the "Proposed Cotterel Wind Power Project Draft Environmental Impact Statement and Cassia Resource Management Plan Amendment" in May 2005. BLM's Burley Field Office intends to fully implement all of the recommendations of the FPEIS as they apply to the Cotterel Wind Power Project either in the FEIS or the POD. In addition, we are publishing in Appendix I in the FEIS, the following sections of the FPEIS: 2.2.3.1 Proposed Policies, 2.2.3.2 Proposed BMP, 2.2.3.2.1 Site Monitoring and Testing, 2.2.3.2.2. Plan of Development Preparation, 2.2.3.2.3 Construction, 2.2.3.2.4 Operation, 2.2.3.2.5 Decommissioning, and 2.2.4 Proposed Land Use Plan Amendments under the PEIS.

COMMENTSRESPONSES

Letter #67 (continued)

strategy that describes changes in management in response to newly acquired information.

A monitoring program shall be developed to ensure that environmental conditions are monitored during the construction, operation, and decommissioning phases.

The monitoring program requirements, including adaptive management strategies, shall be established at the project level to ensure that potential adverse impacts of wind energy development are mitigated. The monitoring program shall identify the monitoring requirements for each environmental resource present at the site, establish metrics against which monitoring observations can be measured, identify potential mitigation measures, and establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and BMPs. (Page 2-11) -- The monitoring strategy should be provided in greater detail in the FEIS.

Operators shall conduct surveys for federal- and/or state-protected species and other species of concern (including special status plant and animal species) within the project area and design the project to avoid (if possible), minimize, or mitigate impacts to these resources. (Page 2-12) -- Further studies are recommended, notably for migrating passerines, raptors, and bats, to adequately determine whether and how impacts can be avoided, minimized, or mitigated.

Operators shall identify important, sensitive, or unique habitats in the vicinity of the project and design the project to avoid (if possible), minimize, or mitigate impacts to these habitats (e.g., locate the turbines, roads, and ancillary facilities in the least environmentally sensitive areas; i.e., away from riparian habitats, streams, wetlands, drainages, or critical wildlife habitats). (Page 2-12) -- Methods to avoid, minimize, or mitigate impacts to species or habitats should be more fully addressed in the FEIS.

Operators shall evaluate avian and bat use of the project area and design the project to minimize or mitigate the potential for bird and bat strikes (e.g., development shall not occur in riparian habitats and wetlands). Scientifically rigorous avian and bat use surveys shall be conducted; the amount and extent of ecological baseline data required shall be determined on a project basis. (Page 2-12) -- The amount and extent of baseline data to assess potential impacts to birds and bats should be described more thoroughly in the FEIS.

Turbines shall be configured to avoid landscape features known to attract raptors, if site studies show that placing turbines there would pose a significant risk to raptors. (Page 2-12) -- Additional information should be provided in the FEIS to address the extent of this risk and how it was considered in the design of alternatives.

Procedures shall be developed to mitigate potential impacts to special status species. Such measures could include avoidance, relocation of project facilities or lay-down areas, and/or relocation of biota. (Page 2-13) -- This information should be detailed in an adaptive management strategy in the FEIS.

All control and mitigation measures established for the project in the POD and the resource-specific management plans that are part of the POD shall be maintained and implemented throughout the operational phase, as appropriate. These control and mitigation measures shall be reviewed and revised, as needed, to address

T. Comprehensive pre-project monitoring and inventory of avian species was conducted and will continue after the project.

U. Monitoring and inventory data are being used to design and operate the project.

V. References to the baseline data and reports are contained in the bibliography.

W. Monitoring and inventory data are being used to design the project in the POD and BMP.

X. A more comprehensive adaptive management decision is in the FEIS. A core principal of adaptive management is to learn over time and to adapt to conditions. Each turbine is located and monitored individually with this project. Detailed adaptive management strategies develop over time.

COMMENTS

Letter #67 (continued)

changing conditions or requirements at the site, throughout the operational phase. This adaptive management approach would help ensure that impacts from operations are kept to a minimum. (Page 2-23) -- **This information should be detailed in an adaptive management strategy in the FEIS.**

- Site monitoring protocols defined in the POD shall be implemented. These will incorporate monitoring program observations and additional mitigation measures into standard operating procedures and BMPs to minimize future environmental impacts. (Page 2-24) -- **This information should be detailed in an adaptive management strategy in the FEIS.**

- **Wildlife.** The construction and operation of a wind energy project may impact wildlife or their habitats. The BLM manages public lands to protect and improve habitat for all federal status, BLM-designated sensitive (i.e., the list published by the BLM state office of species occurring on public lands whose populations or habitats are rare or in significant decline), and state listed species. The BLM evaluates all projects and activities occurring on public lands to ensure that they will not contribute to the need to list species as threatened or endangered. (Page 3-14) -- **How this proposal protects and improves habitat for special status species should be more fully described in the FEIS.**

- **U.S. Fish and Wildlife Service (USFWS).** The USFWS issued *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines* in 2003 (USFWS 2003). These voluntary guidelines, prepared by the USFWS Wind Turbine Siting Working Group, address the evaluation of potential wind energy development sites, location and design of turbines and associated structures, and pre- and post-construction research and monitoring needs. Specifically, the guidelines provide a site evaluation process with checklists, a series of site development and turbine design and operation recommendations, and a literature review of impacts of wind turbines on wildlife. The USFWS plans to evaluate these guidelines and modify them as necessary on the basis of their performance in the field and the latest scientific and technical discoveries. The USFWS also has issued interim guidelines for protecting birds from the siting, construction, operation, and decommissioning of communication towers (Clark 2000), some of which could be applicable to both turbines and meteorological towers at a wind energy development project. In addition, the USFWS worked jointly with the Avian Power Line Interaction Committee to develop guidelines for protecting birds from electrocution and collisions with power lines (APLIC and USFWS 2005), some of which are applicable to wind energy development. (Page 3-33) -- **How these guidelines were considered in the design and analysis of alternatives should be described in the FEIS.**

- For the purposes of this assessment, impacts from wind energy development on biological resources were considered important if they would result in, or contribute to, any of the following:

- Reduction of the quality and/or quantity of habitat for fish, wildlife, or plants;
- A decrease in a plant or wildlife population to below self-sustaining levels;
- Establishment or increases of noxious weed populations;
- Elimination of a plant or animal community;
- Violations of the ESA, the BGEPA, MBTA, or applicable state laws;

RESPONSES

Y. BLM worked closely with USFWS including convening the IWETT and meeting with Sandi Arena and Mark Robertson regarding the USFWS Guidelines. In addition, BLM consequently developed the PDEIS in June 2005. USFWS Guidelines were very valuable in preparing the DEIS, creating the IWETT and DEIS.

Z. The Proposed Cottarel Wind Power Project Draft EIS and Cassia Resource Management Plan Amendment was released in May 2005, the PDEIS was released in June 2005.

AA. We will clarify the discrepancy in the FEIS.

AB. We will clarify in the EIS.

AC. BLM agrees and will modify the statement.

AD. BLM agrees and will modify the statement.

AE. BLM agrees and will modify the statement.

AF. BLM agrees and will modify the statement.

COMMENTS

Letter #67 (continued)

- A decline in bat, raptor, or migratory bird populations;
- Interference with the movement of any resident or migratory fish or wildlife species; or
- Conflicts with management strategies for BLM Special Management Areas. (Page 5-35) – These issues and potential impacts should be more fully described in the FEIS.
- Because of the regulatory requirements of the ESA and various state regulations, and the requirements specified in BLM Manual 6840 -- *Special Status Species Management (BLM 2001)* and other resource-specific regulations and guidelines, appropriate survey, avoidance, and mitigation measures would be identified and implemented prior to any construction activities to avoid impacting any sensitive species or the habitats on which they rely. (5-49) – The information contained in the DEIS should be expanded in the FEIS for the decision maker to reasonably determine whether avoidance and mitigation measures would be adequate to avoid impacting any sensitive species or habitats.

Other Comments

Page 1-4, last paragraph re: National Wind Programmatic. The programmatic is final, not currently being prepared.

Page 2-33, section 2.5.3 - Paragraph states lekking restrictions would occur from March 1 - May 1; however, Appendix D says mid-March to mid-May. Please clarify the discrepancy.

Page 3-53 - The pygmy rabbit did not warrant listing under the Act.

Page 4-18, top paragraph - A statement is made that "...no species are expected to permanently disappear from Cotterel Mountain." The Service does not believe sufficient information exists within the DEIS to warrant such a statement. As discussed among IWBT members, there is a concern about the long-term viability of the sage grouse population using Cotterel Mountain should the facility be developed.

Page 4-30, Alternative C. - The second sentence in that paragraph states that annual raptor mortality will be "...based on fatality and use rates from other western wind power projects." The Service believes mortality numbers should, where appropriate, be based on the existing data collected for the Cotterel Mountain facility. As noted above in our comments under the Existing Guidance section, Cotterel Mountain is a unique environment; use of data collected at other sites may not be applicable here.

Page 4-34, top paragraph - This discussion references the High Winds project to compare golden eagle mortality with that predicted for the Cotterel Mountain facility since High Winds has the same type and number of turbines and Altamont does not. While this may be true, the Service questions this comparison as well. Without knowledge of the similarity of topography/habitat, a comparison to Cotterel Mountain may not be appropriate.

RESPONSES

AG. BLM agrees and will modify the statement. BLM is sensitive to the connectivity and fragmentation of sage-grouse habitat. Sage-Grouse will be continuously monitored and their habitat conserved or mitigated as much as possible with a major development and construction project.

COMMENTS

Letter #67 (continued)

Page 4-70, *Threatened and Endangered Species* section - This section states that "No past, present, or reasonably foreseeable projects in the vicinity of Cottler Mountain have been identified that would potentially affect bald eagle or gray wolf." The Service disagrees with this statement. We are aware of two projects proposed for the American Falls area (one approximately 200 turbine project and another approximately 70 turbine project upon full build out). Both these projects are near Bowen Canyon, a historic wintering bald eagle roosting site. Preliminary data indicates that bald eagles from Bowen Canyon would fly through the project area to get from Bowen Canyon to the Snake River. The Service considers this a potential effect on bald eagles.

Page 4-71, *Greater Sage grouse* section - Although from a statewide perspective sage grouse may only be displaced from 0.005% of potential suitable habitat, the relative importance of some habitats has not been fully considered. Further impacts to what many biologists consider the last reasonable north south connectivity corridor over the Snake River may be a far greater concern for long-term population viability than the loss of 26,000 acres of habitat.

Given the potential negative effects to wildlife, particularly migratory birds and sage grouse, from the Cottler Wind Energy Project, and the extent of the comments the Service has provided, we encourage a combined policy and technical level meeting with all participating agencies and entities prior to the finalization of the EIS.

Thank you for the opportunity to provide comments on this DEIS. If we can be of further assistance, or if you have any questions, please feel free to contact Mark Robertson of the Service's Boise Office (208) 378-5287 or Sandi Arena of the Service's Chubbuck Office (208) 237-6975 x34.

cc: FWS - LE, Boise (Tabor)
 FWS - Migratory Bird Office, Portland (Green)
 FWS - Regional Office, Portland (Rabot)
 FWS, Chubbuck (Arena)
 URS Corp, Boise (English)
 IDFG, Jerome (McDonald)
 IDFG, Boise (Servheen)
 BLM - State Office, Boise (Augsburger, Gianettino, Peterson)
 Shoshone-Paiute Tribe, Owyhee NV (Dykstra)

RESPONSES

COMMENTS

Letter #67 (continued)

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- U.S. Department of Interior. 2005. Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States.

RESPONSES

COMMENTS

Letter #68

Scott Barker, Project Manager
Cottarel Wind Power Project
Bureau of Land Management
Burley Field Office
15 E 200 S
Burley ID 83318

I would like to express mine and my husbands opposition to the proposed windfarm on our mountain. We have lived and owned property in the Albion Valley since 1977 and have raised our children and grandchildren here. We are both transplants from opposite shores of this country, Vermont and Washington. Other mountains might be greener or taller and snow covered, but none are any more beautiful than the Cottarel Mountain. The loss of this beauty to 40 story windmills with constantly flashing strobe lights would be unconscionable.

A You have been given the job as steward of our public lands and we have trust that you will exercise this duty by not allowing the destruction of this mountain. Once the mountain is flattened the devastating effects can never be changed. We will not only lose our pristine view, but this project will forever change the peaceful qualities of this valley.

B Already windfarms are being built on open flat lands and proving successful. Idaho has thousands of desert acres where there are no close by communities. Surely Windland/Shell Inc. can find another location for a windfarm that would not adversely affect so many. Please make the responsible decision and deny the Windland/Shell Inc. application for a right-of-way on Cottarel Mountain.

You have my permission to make my comments public.

Linda and Gary Leach
1096 E 1000 S
Albion ID 83311
208 673-6254

RESPONSES

A. The BLM is sensitive to the potential for impacts from tower lighting. The best available technology would be used in applying tower lighting required by the Federal Aviation Administration and the Idaho State Aeronautics Division. This technology includes shielding lights from below to reduce the potential for light pollution of the night sky.

B. We understand and appreciate your concern about how the historic characteristics and values of the Marsh Creek Valley and Cottarel Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedent and can be appropriate.

COMMENTS

Letter #69

Comments Concerning the Proposed Cotterel Windfarm

Name- Jim Wahlgren
 1225E 1040S Albion, Id 83311
 e-mail address- wahlgren@atcn.net
 You have my permission to make my comments public

I am totally against the windmill project at Albion for the following reasons:

1. There is no need to put a windfarm anywhere near a small town. Idaho, and BLM, has millions of acres of land that are not near any town. This windfarm will totally dominate the landscape of the Albion valley. Windmills nearly 420 feet tall will be within 2-3 miles of homes.
2. 84% of the residents of the Albion valley are against this project. Why wasn't local opposition taken into consideration when considering this? In the DEIS there is no mention of this.
3. Pictures of the windmills from the town of Albion were shown in the DEIS, but later discarded when the Visual Impact study was done. A picture from approximately 20 miles away was used, but not one from Albion. Why was the picture not used? The Visual Impact report would have changed if local photos were used.
4. There are currently 1200 mega watts of wind power under construction, in planning stages, or completed in southeast Idaho alone. None of these windfarms are near towns. This proves there are many areas where the wind is sufficient and will not negatively impact local town. The windmills need only 8-9 m/p/h to operate. Where in Idaho doesn't the wind blow 8-9 m/p/h?
5. The DEIS states that there will be towers as close as ¼ mile from known golden eagle nests. Why would this be allowed? With all the areas available for windmills that are not near any nests, why endanger the eagles at all?
6. The DEIS reports that fire management may have to be changed. Three years ago we had a fire up there. The airplanes dropped many loads of fire retardant that from the valley floor looked like the planes were dropping them just yards above the top of the ridge. If 400-foot towers had been there, the fire might have had to be hand fought. BLM should not be using public land for this private purpose. All of the other windfarms in southeast Idaho are going up on private land. Why is BLM doing this?
7. The 1200 mega watts of wind power previously mentioned, added to all other windfarms going up, is more than the transmission lines can currently carry. What are the plans to build more transmission lines and how does it get funded? Will Idaho residents be expected to foot the bill while all the power is going to other states?
8. The DEIS states there are no Indian sites up there. Any teenager in Albion could have taken BLM personnel to several sites. In fact, last fall BLM was trying to catch kids stealing Indian artifacts from the mountain. BLM had cameras trying to get their picture, but all the kids knew the cameras were there. If there are not any Indian artifacts up there, why did you consult the Shoshone-Bannick tribe to get their permission to go ahead with the study?
9. The BLM is recommending option C that calls for a few less towers but taller ones capable of producing more electricity. That is the same option that Windland/Shell

RESPONSES

- A. We are aware that a petition opposing the proposed project was signed by a number of local citizens. When we receive a copy of the petition we will review the basis of objection and assess whether or not changes to the EIS would be warranted. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on popular vote.
- B. A Key Observation Point (KOP) was established at the Marsh Creek Event Center and the Visual Resource Contrast Rating Method was applied to the viewshed from this location. The results of the Visual Resource Contrast Rating are analyzed in the Final EIS.
- C. Guidance developed in response to the Golden and Bald Eagle Protection Act recommends that all construction activity and structures be precluded within ¼ mile of any known golden eagle nests. The Draft EIS discloses the potential for golden eagles to be displaced or killed as a result of the proposed project.

COMMENTS

Letter #69 (continued)

- E
- F
- G
11. Tell the public what the effects of the destruction of the Cotterell Mountain might entail. Tell us about the mitigation process. In a worst case scenario, is it true that BLM is willing to destroy this mountain range and then set aside another 5000 acres somewhere else in Idaho to compensate for the loss? Explain the terms "compensatory mitigation" and "offsite mitigation" so the public understands what might happen to the mountain. What good does 5000 acres somewhere else do for us residents of the Albion valley?
12. I don't believe BLM found only 70 sage grouse up there. How thorough could the study have been? But, if that's all there are, then the situation is even worse that we are led to believe. Why would BLM go against the advice of Fish and Game in this matter? Fish and Game is on record as totally opposed to putting windmills up there and endangering wildlife.
13. The conditions up on the Cotterell Mountain are harsh for any wildlife. They live in a very fragile environment. Why even take the chance that this may endanger them? Isn't BLM interested any longer in being good stewards of the land, which would include animals and plants and trees?
14. BLM should never have let this process get this far along. It should have just refused the request on the basis that it is too close to any town. Windland/Shell should just have been told to go find another place not close to a town. Idaho has millions of acres of open land. Windland has already been approved for another project around American Falls, Idaho on private land.
15. BLM has not been asked to do this type of study anywhere else because this is the first request for a windfarm on BLM land. I don't think enough scientific thought and study has gone into this. BLM just wanted to do this and tailored the results to the desired outcome. The windfarm will forever change this valley. Why does BLM want to do this so badly?

RESPONSES

- D We understand and appreciate your serious concern about how the historic characteristics and values of the Marsh Creek Valley and Cotterell Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate.
- E. BLM recognizes and clearly states in the Draft EIS that potential impacts to resources such as sage-grouse would not be expected to be significantly different between action alternatives. That being the case, BLM felt that Alternative C provided the best balance of the use of public lands for energy production with potential impacts by maximizing proposed project energy output while modifying the proposed action to minimize potential environmental affects.

COMMENTS**Letter #69 (continued)****RESPONSES**

F. The BLMs final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area maybe further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. As described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering comity described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. The \$150,000 compensatory mitigation payment is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project.

COMMENTS

Letter #69 (continued)

RESPONSES

Since mitigation may only be required of the Applicant within the Proposed Project area, BLM was limited to requiring the on-site mitigation to consist of the BMP, ongoing sage-grouse monitoring and post construction fatality monitoring, and adaptive management described in Chapter 2, Section 2.5.4 and appendix C and D of the Draft EIS.

G. The BLM prepared an EIS for the Foot Creek Wind Power Project located near Arlington, Wyoming. The ROW for the Foote Creek project was granted and the project has been in operation for several years.

Current baseline condition information was collected for numerous resources that could be affected by the proposed project. For example 2004 data for recreation uses and number of users was disclosed in Section 3.7 of the Draft EIS (pages 3-87 through 3-89). Several studies were conducted in 2003, 2004, and 2005 to collect baseline information for resources on Cotterel Mountain including:

COMMENTS

Letter #69 (continued)

RESPONSES

- Avian use patterns
- Nocturnal avian and bat migration
- Raptor nesting
- Raptor migration
- Sage-grouse lek attendance, nesting, and winter use patterns,
- Mapping of current vegetation community distribution
- Archeological surveys
- Economic data for Cassia and Minidoka Counties
- Traffic counts to determine recreation use levels

The results of these studies were disclosed in Chapter 3 of the Draft EIS.

COMMENTS**Letter #70**

Comments on Cotterell Mountain Windfarm

Lois Darlene Wahlgren
1225 E 1040 S
Albion, Id 83311

You have my permission to make my comments public

I am against the windfarm in Albion because:

1. I do not think you have researched the sage grouse issue thoroughly enough. This is a bird species that Fish and Game and BLM came very close to adding to the endangered species list. If you were that close, why do anything that might even come close to tipping them over the edge? This whole valley and mountain is sagebrush country that the bird needs to survive. The sagebrush habitat is disappearing all across the West. We don't need to add to the problem when it isn't necessary.
2. Albion valley has a 360 degree view of the mountains. I don't want the whole Eastern view ruined by windmills.
3. I don't care what BLM and Windland/Shell say about the noise. They will make noise. We live about 4-5 miles from the site and there are neighbors who will live about 2 miles from it.
4. Albion has a private airport. The planes land and take off over the Cotterell Mountain. Who is prepared to get sued when there is an accident? BLM didn't even mention an airport in the DEIS. Why?
5. How can the fires be quickly and effectively fought when there are 420 foot towers to have to fly around when dropping the fire retardant? If they have to be fought by hand, it will take a long time for men to get up there.
6. Has BLM studied golden eagles enough that they are convinced beyond doubt that putting a 420 foot tower 1/4 mile from it's nest will not disturb it? I would like to see a study that shows that. Please include it in your final EIS.
7. I am opposed to using public land for this private business.

RESPONSES

A. A great deal of information on sage-grouse has been collected on Cotterell Mountain including:

- Three years of lek attendance surveys
- Winter use surveys
- Radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use.

These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterell Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterell Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterell Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8-mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced

COMMENTS**Letter #70 (continued)****RESPONSES**

from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

B. Much of wind turbine noise is masked by the wind itself since turbines only operate when the wind is blowing. Noise from wind turbines has diminished as the technology of turbines has improved. Newer turbine blade design results in wind energy being converted into greater rotational torque with very little acoustic noise. The rotor blades make a slight swishing sound when rotating. Because of the technological advances and the distance of the blades from the ground (minimum 95 feet), even when standing immediately underneath a turbine, this noise is generally minimal. Vibration-reducing features are incorporated into the design of the turbines. On large modern wind turbines, the chassis frame of the nacelle is designed to ensure the frame would. Under most conditions, modern wind turbines are quiet.

C. The proposed project will not interfere with the flight path of planes using the landing strip located in Albion.

COMMENTS

Letter #70 (continued)

RESPONSES

D. The Draft EIS addresses fire management in Section 4.15.2 and specifically fire operations on page 4-66. The presence of wind turbines along the Cotterel ridgeline could interfere with, not eliminate, the use air attack suppression strategies. However, the accessibility to ground resources such as engines, hand crews and water tenders would be much improved as a result of the proposed project thereby reducing response times. New roads would also act as firebreaks, which would slow or stop the spread of wildfire. The outcome of these tradeoffs would be that suppression forces would use more indirect tactics than would normally be employed.

E. Guidance developed in response to the Golden and Bald Eagle Protection Act recommends that all construction activity and structures be precluded within 1/4 mile of any known golden eagle nests. The Draft EIS discloses the potential for golden eagles to be displaced or killed as a result of the proposed project.

COMMENTS

Letter #71

September 21, 2005

Mr. Scott Barker, Project Manager
Cottarel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East, 200 South
Burley, ID 83318

RE: Cottarel Wind Power Project

Dear Mr. Barker:

I moved into the Albion valley when I was in 3rd grade. I left the area to serve my country for 8 years. When I finished my commitment to the military I knew that I wanted to move back to the Albion valley to raise my family. My wife was raised in the Albion valley and we have made the commitment and investment to establish our home in this beautiful area. We have done this for several reasons; the uniqueness of the valley, the beauty that surrounds us from all directions, the quiet solitude that can be felt when you are in the valley, and the wildlife that we enjoy viewing is unsurpassed.

So you can imagine our disappointment, disbelief and sense of disgust that we have both felt since the Cottarel Windmill Project has been proposed. We have felt such frustration with the BLM in the fact that the project was even considered. This project goes against your own Cassia Resource Management Plan (Cassia RMP) for the Cottarel Mountain Range. What is the purpose for having a "management plan" established if one can amend it at any given time or when the grass looks greener on the other side.

We realize that our government wants more "green energy" and we both will agree with the need. We are not against windmills; they are another source of energy, but not at the expense of completely devastating an entire mountaintop and the quality of life for the people that live in the area.

Windland, Inc. states that this mountain range has the best wind, but so does every other place in Cassia County. Surely there are other locations that could be utilized for Windland, Inc./Shell Windenergy, Inc. wind farm. An area that is not located so close to a community and an area that the project will not sit on top of such a high profile mountain. The Cottarel Mountain range can be viewed from as far away as Twin Falls and as far as American Falls. On the issue of the proximity of dwellings, I have used my GPS to measure the distance from the location of the proposed windmills to the nearest homes. The windmills will be

RESPONSES

- A. While it is true that the Proposed Action and the action alternatives are not consistent with the Cassia Resource Management Plan (RMP), it is important to recognize that the BLM planning system has a certain amount of flexibility built into it by design. RMPs are typically considered to be 10 year plans. However, due to declining budgets and increasing work loads, many existing RMPs are much older than 10 years. The Cassia RMP is currently over 20 years old. It is also important to note that the BLM is a multiple use agency which is tasked with determining the highest and best or most appropriate uses for the public lands. One of the ways BLM makes these determinations is to involve the public in the planning process. It is safe to say that when the Cassia RMP was prepared in the early 1980's, developing wind energy was not considered as a potential use on Cottarel Mountain. It is therefore appropriate that such a proposal be presented to the public, given as complete an analysis as possible and that a full disclosure be made of its potential effects. Amendments to RMPs are not taken lightly. The process to do an amendment is essentially the same as that required for the original RMP.

COMMENTS**Letter #71 (continued)**

- B** within 2 miles from these homes and 5 miles from the city of Albion. My home will be 5.3 miles from the site. This is not acceptable to me.
- C** I have heard several different times that there has been no protest from the Albion valley residents. This is very untrue. The BLM & Windland, Inc. have set up several meetings that we thought that we would be able to voice our opinions. These meetings were simply informational meetings to show us what a great deal it would be for our community and county tax base. To my knowledge there hasn't been a meeting where we, as residence, could voice our opinions and get complete answers to our questions. At the open house that was held, I asked several questions and got the reply of, "That is a good question and I am not sure of the answer." How can a project of this magnitude move forward if you have not addressed all questions? I am an intelligent person and feel like my concerns and comments have fallen on deaf ears, because what I have to say does not conform to what has been suggested for the Cotterel Mountain Range. There is opposition to the proposed plan.
- According to Windland, Inc. the Cotterel Mountain range is the best suited site, but look at it from their point of view...it's money in their pocket. That is what Windland, Inc. & Shell Windenergy, Inc. are all about. They do not care about the long-term impact that this project will have to this community and to the mountain and it's ecosystem. By being held, as the stewards of public lands, the BLM should be concerned enough about the impact that there should be no ROW granted to Windland, Inc./Shell Windenergy, Inc.
- Windmills have their own environmental issues. They do not create dirty energy, but their effect on the landscape and the surrounding wildlife is an environmental issue. The wind turbines will impact the wildlife that live on the Cotterel Mountains; it will impact the esthetics of the Albion Valley tremendously and will be completely detrimental to the mountain's ecosystem.
- When the construction takes place and the blasting begins, what will happen to the under ground springs that are located throughout the mountain range. In the Draft Environmental Impact Statement it states that the impact to surface and groundwater quality and quantity would be low (pg. 4-7). Holes for the foundations, will be created by detonating 3 (three) charges to break up and dislodge the rock. The charges will be placed in sequence until they reach the depth of 27 to 30 feet deep. The foundation depth is 25' - 30' for the suggested 325' windmills, but 2' of additional material is removed below the foundation depth (pg.2-24). Each foundation pad will be 16' wide. Alternative B suggests that 130 wind turbines be installed. Alternative C suggests that 98 wind turbines be installed, but there are two size options being considered, with one option being 426' wind turbines, which I would imagine would require a larger foundation. Alternative D suggests that 66 wind turbines be installed. How could

RESPONSES

- B.** The assertion that the wind is equally good in all areas of Cassia County is not correct. The scientific data available does show that the Cotterel Ridge is among the best wind sites in the County. In addition, its aspect, access and proximity to transmission facilities make it highly desirable. There may be other sites in the County with similar potential for commercial wind production. However, although we understand and appreciate your serious concerns about how the uniqueness and beauty of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project, it is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application and the scope of the ensuing NEPA analysis is focused on that particular area. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate.
- C.** BLM has never contended that there is no opposition to the Proposed Project, particularly from the Albion area. Quite the contrary, the Draft EIS clearly states that there is strong opposition from some Albion residents. That discussion has been expanded in the Final EIS to clearly disclose the extent of that opposition.

COMMENTS**Letter #71 (continued)**

D this much blasting not have a high impact on the springs and their infrastructure. All and any work that would have to be completed to install the wind farm will have effects that are permanent and irreversible. In 30 years when the project has completed it life expectancy, what then?

E I guess the bottom line is if any of the Alternatives B, C or D are approved, is the destruction of the Cottarel Mountain range and the destruction of it's ecosystem worth a source of energy that is only 35% efficient? Is it worth putting in a system that is decades away from becoming economically feasible?

You have our permission to make our comments public.

Thank you for your time.

Jeff & Carey Leach
Albion, ID 83311
208.673.6233

RESPONSES

In general, the purpose of a NEPA analysis (in this case, an EIS) for a Proposed Project is to identify resources that would be affected by the Proposed Project, issues that relate to those resources and to analyze and disclose as accurately as possible, the effects the Proposed Project would have on those resources. Our objective in conducting the public participation process is to gain assistance with issue identification and effects analysis that we may have missed or disclosed incorrectly.

During the 60-day public scoping period for the Proposed Project early in 2003, BLM conducted a series of three public meetings. The purpose of these meetings, which were held in an open house format, was to present the Proposed Project to the public along with all the issues that had been raised by BLM and its cooperating agencies to that point, and to solicit from the public their help in identifying additional issues and concerns. From those meetings, we received approximately 135 comments which were analyzed, categorized and used to define the scope of the NEPA analysis as well as develop alternatives to the proposed action and ultimately build the Draft EIS which you participated in reviewing.

COMMENTS

Letter #71 (continued)

RESPONSES

During the 90-day public comment period on the Draft EIS in mid 2005, BLM conducted a series of three public meetings to present the Draft including the alternatives to the proposed action. Information on all the original data that was collected in preparation of the Draft was also presented. The purpose of the meetings was to enhance the public's exposure to the Draft, answer questions and give the public an easy opportunity to provide written comments. The BLM typically uses an open house format for its public meetings primarily because people are generally more comfortable with it, but also because we are trying to obtain input from the public regarding issues and our analysis of those issues. We have found over the years that more useful information is obtained from written comments given at or following open houses than is gained from oral testimony which, more often than not, is emotional in nature.

BLM has attempted to maintain an open dialogue with the public and their cooperating agencies throughout this process. We are available at the Burley Field Office any time during working hours to answer questions or help to obtain information regarding the Proposed Project and we welcome contacts from the public.

COMMENTS**Letter #71 (continued)****RESPONSES**

D. A discussion of the difference in sizes of turbines considered in the Proposed Action and action alternatives for the purpose of comparing foundation sizes should be limited to the size of towers not total height. Towers considered under the Proposed Action would be 65 meters (approximately 210 feet) tall and towers for the action alternatives could be up to 80 meters (approximately 260 feet) tall. Foundations for either size would not be significantly different. Depth would be the same and diameter at ground level would be similar. The diameter of tower bases is limited to approximately 14 feet because of load height restrictions on highways. Concerns over blasting have been expressed throughout this analysis process and have been primarily associated with springs. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential blasting impacts to springs. Field review of spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affecting the lateral flow of ground water as it moves down gradient off the mountain crest. Thus, the overall mechanism of ground water flow would not be affected by blasting operations. However, a plan for monitoring spring flow during blasting is being developed and will be included in the proposed project Plan of Development.

COMMENTS**Letter #71 (continued)****RESPONSES**

If approved and constructed, the Project, when it reaches the end of its life expectancy would be decommissioned in accordance with Section 2.3.6 of the EIS and with the more specific information contained in the Applicant's Plan of Development which would be attached to and made a part of the right-of-way grant. A substantial reclamation bond would also be required of the Applicant to insure that this work is completed.

E. BLM is constantly seeking to balance between local and regional energy needs and leaving public lands and resources undisturbed. Renewable energy, specifically wind energy, demonstrates savings per kilowatt hour in CO₂, sulfur oxide, nitrogen oxide, and particulate emissions over the life of the project, that are enormous, compared with what a comparable conventional power plant would generate. We are doing everything in our power to minimize the impact of this renewable energy project on the Albion Valley, if it is approved.

COMMENTSRESPONSES

Letter #72

Dear Mr. Barker:

I respectfully submit the following comments for your consideration as you prepare the Final EIS for the Cottarel Wind Power Project (Project) and as part of the Administrative Record when publishing the ROD for it. I understand that by submitting these comments during the DEIS stage that it will ensure my standing when the BLM responds to them in the Final EIS.

I have lived on the Upper Snake River Plains of Idaho since 1983 and moved here for the primary reason of practicing falconry by hunting sage grouse with gyrfalcons. Drastic declines in sage grouse populations since then prompted me to help found the North American Grouse Partnership (NAGP). I have also participated actively and regularly in the Upper Snake River Sage Grouse Local Working Group since it began over 5 years ago and stay current with the Challis and other Sage Grouse Local Working Groups in Idaho. My concerns about our Idaho rangelands and how they are managed motivated me to become a BLM RAC member. While on the RAC, I was briefed on the Cottarel Project by BLM staff and also representatives from Windland, Inc. I maintain contact with contractors who do the sage grouse research on this site and published a feature article about the proposed Project in the last issue of Grouse Partnership News, the magazine of NAGP. I also have communicated with several Albion residents and processed their concerns with them about the proposed Project.

You received comments on the DEIS for this Project dated September 12, 2005 from James A. Mosher, Executive Director of NAGP. I have read and fully support those comments. It was clearly pointed out that the DEIS impact analysis is an extrapolation from other sites that lack the unique habitat features of this Project. Because the Project is on the southern Idaho Snake River plain shrub-steppe landscape, unique opportunities exist for on and off site mitigation. Opportunities to not only document impact from this kind of project but also mitigate negative impacts by precedent setting example are prime. It will be a terrible if not criminal mistake to not take full advantage of these opportunities. Doing so will benefit the favorable status of Windland, Inc., BLM, many other state and federal agencies, private landowners, and especially the common good of Idaho people. BLM can take the lead by allowing this type of project to proceed in a manner that improves environmental conditions generally and the quality of life for Idaho people specifically. I can support this Project only when BLM and the principal proponent, Windland, Inc. incorporate the mitigation strategies, adaptive management, and monitoring into the final EIS as outlined specifically in the NAGP comments submitted by Mr. Mosher.

The proposed \$150k/year funding for post-project monitoring, mitigation, and adaptive management as described in the DEIS is wholly inadequate for this precedent setting Project. The DEIS fails to describe how or where this \$150k will be spent, and primary oversight authority is not identified. Something between 1-2% of gross revenues would be more reasonable for this Project instead of the proposed 1/2%. There simply must be adequate on-site monitoring, effectiveness monitoring, adaptive management, and compensatory (off-site) mitigation. The money must be made available to do this work

A. Mr. James A. Mosher and his North American Grouse Partnership are one of the leading organizations that have contributed significantly to the path breaking approaches in wildlife management being proposed for this wind energy project that will appear in the FEIS and the Plan of Development. Your comments add to their value. They include adaptive management, collaborative and adaptive scientific design and analysis of long term monitoring, collaborative multi disciplinary advice to management on project design and operations, and collaborative discussion of off site mitigation strategies.

B. The FEIS generally, and the POD specifically, describe the on-site monitoring program based on the triad of adaptive management, long-term monitoring, and collaborative scientific analysis of the monitoring data by the Technical Steering Committee. The Technical Steering Committee will be made up of a joint team of scientists, agency personnel, engineers, Tribes, and other interested parties such, such as NAGP. If the proposed project is approved and built, this group will review monitoring data make recommendations on operational modifications, and determine the best use and allocation of the compensatory mitigation fund. This is the first major wind energy project on Federal Lands to create such a formal group and implement the adaptive management process.

COMMENTS**Letter #72 (continued)**

B well. It is essential for these funds to be spent wisely and effectively under appropriate oversight. This should all be clearly specified in the final EIS.

C Recommended strategies in the BMP under Appendix D to avoid or reduce wildlife impact are excellent. The final EIS should identify who will do the Effectiveness Monitoring. Monitoring behavioral changes and impacts on greater sage-grouse, big game, and spring and fall migrations of raptors and passerines should be the primary focus here. It is important to specify who will do the plant restoration work, inspect and monitor on site soil storage, and collect and store native seed for site rehabilitation. Adequate funding should be identified and committed to accomplish all of this important work.

D All the above is important, but the real opportunity is the macro-mitigation proposal outlined concisely in Mr. Mosher's NAGP comments. I encourage you to incorporate this proposal to the fullest possible extent. Please do not overlook the real potential here to set a leading example of how to allow projects like this with benefits to wildlife, the environment, and quality of life for people. Building and operating the Cortner Wind Power Project can result in significant steps to resolve the mid-Snake water crisis and restore obligated flows for fish while providing critical wildlife mitigation in the region. As stated in Mr. Mosher's comments, "This offsite macro-mitigation proposal can provide integrated management solutions in three areas of concern: 1) substantive habitat mitigation as a result of implementing the proposed Project; 2) moderate restoration flows to the mid-Snake River and its aquifer for the Hagerman trout farming industry, resident fish and Snake River salmon; 3) reduced litigation potential; 4) leadership provisions for future wind power projects that may be built in southern Idaho without intense State and Federal regulatory and public scrutiny." Agam, I urge you to consider seriously and implement this remarkable proposal to the fullest possible extent.

BLM along with other Federal and State agencies should implement an integrated mitigation plan at least equal to the Cortner Project area of 11,500 acres (DEIS 4-17) and not just the 365-acre footprint area for project features (DEIS ES-6). The macro-mitigation proposal includes restoration of shrub/forb/grass components in nearby crested wheatgrass fields on about 4,800 acres. About 7,000 acres of center pivot irrigation projects will also be restored to shrub steppe. The beneficial effects of creating this habitat corridor cannot be overstated. As stated in the NAGP comments, "it is the only possible native habitat corridor left in the entire mid Snake River Plain for about 130 miles to the east and 140 miles to the west of Raft River Valley." Mitigation issues of the Project would be satisfied, water problems would move toward resolution, the Hagerman Valley commercial trout production industry would benefit, flushing flows for salmon would be augmented, and it would help meet minimum flows for resident fish of the mid-Snake River, particularly sturgeon. Potential Federal and State litigation over many of these issues would be reduced. Win-win outcomes are numerous and significant.

Opportunities to make positive and productive changes like this must be taken seriously. I hope and pray that BLM has the strength and fortitude to set the strong leadership example of implementing this macro-mitigation proposal and include specific plans to

RESPONSES

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures that you recommended fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in your comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year for the life of the project to fund off-site mitigation, monitoring, or studies. These funds would be allocated as recommended by the technical steering committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. As the Technical Steering Committee develops its concepts, the agency, developer and participating parties remain open to ideas.

C. The Applicant would be required to complete on-site monitoring as a condition of the ROW grant as described in Section 2.3.7 Project Design and Best Management Practices. This monitoring would include on-site fatality monitoring associated with the operation of the turbines and on-site sage-grouse lek studies as described in Appendix D. Restoration of on-site areas of temporary disturbance will be completed by the Applicant as part of the construction of the overall project. On-site fatality monitoring will be conducted by an independent contractor hired by the Applicant.

COMMENTS**Letter #72 (continued)**

accomplish these goals in the final EIS and Record of Decision to be published in the Federal Register. The Cottarel Wind Power Project would then become a real benefit for people who value the quality of life in our modern West. Anything less is simply not acceptable, because it will make the Cottarel Project just another part of an ongoing problem instead of moving toward problem resolution and better decisions that benefit people, the common good, and the landscapes that support us all.

Sincerely,

Kent L. Christopher

RESPONSES

Monitoring would include the required on-site monitoring described above and additional monitoring that could be recommended by the Technical Steering Committee. This additional monitoring would be funded by the Applicant through the compensatory mitigation fund. It could include, but is not limited to, continuing the collection of pre-construction baseline data for use in comparative analysis, off-site sage-grouse lek studies, continuing sage-grouse telemetry studies, sage-grouse nesting studies, sage-grouse winter use studies, and raptor nest surveys.

D. As stated above, mitigation may only be required of the Applicant within the Proposed Project area. Off-site mitigation cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. Any off-site mitigation would be funded from the voluntary compensatory mitigation fund of \$150,000 per year. The Technical Steering Committee would determine the best use of these funds whether for purchase of key habitat, restoration of shrub step, or extended monitoring.

The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is

COMMENTS

Letter #72 (continued)

RESPONSES

limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area maybe further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Additional guidance is provided by Instruction Memorandum 2003-020 which states that "The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance." When this ROW guideline was applied to the ROW application, an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

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